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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Fifteenth Session, 1943

The 25th, 26th and 27th February, and 1st, 2nd, 3rd, 5th and 8th March, 1943

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COVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Finance, Home and Publicity Departments.

(2) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Departments of Industries, Commerce and Labour.

(3) The Hon'ble Mr. SANTOSH KUMAR BASU, in charge of the Department of Public Health and Local Self-Government.

(4) The Hon'ble Khan Bahadur M. ABDUL KARIM, in charge of the Education Department.

(5) The Hon'ble Mr. PRAMATHA NATH BANERJEE, in charge of the Revenue Department and of the Judicial and Legislative Departments.

(6) The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN, in charge of the Agriculture, Co-operative Credit and Rural Indebtedness Departments.

(7) The Hon'ble Mr. SHAMSUDDIN AHMED, in charge of the Department of Communications and Works.

(8) The Hon'ble Mr. UPENDRA NATH BARMAN, in charge of the Forests and Excise Department.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Mr. SYED NAUSHER ALI.

DEPUTY SPEAKER.

SYED JALALUDDIN HASHEMY, Esq.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 25th February, 1943, at 3-45 p.m.

Present :

Mr. Deputy Speaker (MR. SYED JALALUDDIN HASHEMY) in the Chair, 6 Hon'ble Ministers and 186 members.

Want of quorum.

Mr. ATUL CHANDRA SEN: Sir, are you sure that there is quorum?

(As there was no quorum at 3-45 p.m., the bell rang again until there was quorum.)

STARRED QUESTIONS

(to which oral answers were given)

Dearness allowances for Government servants.

***64. Mr. KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government are contemplating further to increase the dearness allowances to the employees under the Government of Bengal drawing salary up to the limit of Rs. 300 per month in view of the abnormal rise of the prices of commodities and foodstuffs, etc.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the rate of such increase in the allowances?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The honourable member will find details of the latest orders in the foreword to the "Red Book" for 1943-44. It is not possible to say what supplementary allowances may be necessary in the future but it is most unlikely that the upper pay limit of the higher allowance will be raised.

Shortage of small coins.

***65. Khan Bahadur MOHAMMED ALI:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether he is aware of the great hardship and distress that is being caused to the people of Bengal due to an acute shortage of coins of small denominations?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps he proposes to take in the matter?

(*c*) Is the Hon'ble Minister considering the desirability of moving the Government of India for minting of sufficient coins immediately or for the printing of ½ and ¼ rupee-notes?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Currency, coinage and legal tenders are Central subjects and the Government of India are taking steps to increase the supply of small coins. This Government have directed that prosecutions shall be instituted wherever hoarding is detected and have announced that rewards will be paid to persons furnishing information leading to conviction. Prosecuting Officers have been instructed to press for deterrent sentences on conviction.

(*c*) Government of India have already taken steps to increase the supply of small coins.

Mr. SYED ABDUL MAJID: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what steps have been taken by the Government of India to increase the supply of small coins?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice because I have not got the details yet.

Mr. ANANDILAL PODDAR: Will the Hon'ble Minister be pleased to state as to how many pieces of pice or small coins would constitute hoarding?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not possible for me to say; but if prosecutions are started, the court or courts will have to decide whether or not it was hoarding.

Mr. ANANDILAL PODDAR: Will the Hon'ble Minister be pleased to consider the desirability of at least informing the public that so many pieces of coins will constitute hoarding?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a request for action, but I will bear it in mind.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state how many prosecutions have been started for hoarding and in how many cases hoarding has been detected by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not before me any papers showing in how many cases there have been prosecutions, but I can find it out.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the amount of small coins up to which an ordinary person in the course of his business is allowed to possess?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as these matters are concerned, I am not in a position to give any satisfactory reply.

Mr. ANANDILAL PODDAR: Will the Hon'ble Minister be pleased to give an assurance to the House that no prosecution will be started unless and until it is declared to the public through the Press what amount of these small coins would constitute hoarding?

(No reply.)

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state the date of the Government order directing that prosecution shall be started?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot give an answer off-hand, and I take this as a notice.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware of the fact that there is some confusion in the mind of the public as to what constitutes hoarding?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware whether there is any idea in the public mind as to what sum does or does not constitute hoarding. Each case has to be decided on its merit. I do not think, Sir, that any circular or instruction need be issued to show what really amounts to hoarding.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether this Government have represented to the Government of India with reference to the difficulties that have been experienced throughout the length and breadth of the province for want of small coins and for taking speedy steps thereon?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state what has happened to the communique of the Government of India declaring that one pice with a hole in the middle would be issued from the 1st February, 1943?

(No reply.)

Dr. NALINAKSHA SANYAL: It has already been issued. Now, will the Hon'ble Minister be pleased to state whether in the mufassal of Bengal such small pice coins are already under issue?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think so.

Khan Bahadur MOHAMMED ALI: With reference to answer (*c*), is the Hon'ble Minister considering the desirability of moving the Government of India for minting of sufficient coins immediately or for the printing of half and quarter rupee notes to relieve distress?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a request for action, but I am prepared to do it.

Mr. ANANDILAL PODDAR: Is the Hon'ble Minister aware of the fact that pice coupons issued by the Tramways Company are accepted in the market as legal tender?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Internees in Bengal.

20. Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state the number of detenus in home, village or any other form of internment or detention at the present time?

The Hon'ble Mr. A. K. FAZLUL HUQ: The latest figures are (end of January, 1943),—

(*a*) Detained in gaol under Defence of India Rule 26 or Defence of India Rule 129—

(*i*) Special security prisoners—2,355.

(*ii*) Others—1,643.

(*b*) Restricted under Defence of India Rule 26—

(*i*) Criminals—1,484.

(*ii*) Others—1,698.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*ii*), will the Hon'ble Minister please state what are the respective numbers of home internees or village internees or other forms of internment because that is the question itself? He has lumped all the different categories together.

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot give the details, but if my honourable friend wants I will give the details later on.

Dr. NALINAKSHA SANYAL: Under (*a*)(*i*) the total number is stated to be——

The Hon'ble Mr. A. K. FAZLUL HUQ: It will be more convenient if my learned friend puts specific questions. I will take them at short notice and answer them.

Method of cash transaction at the Khulna Treasury.

21. Babu NAGENDRA NATH SEN: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether when a payment order or cheque is presented at the Treasury fully receipted any token or other receipt is granted to the presenter?

(*b*) If the answer to (*a*) is in the affirmative, whether this practice obtains in the Khulna District Treasury?

(*c*) Is the Hon'ble Minister aware that payments are not made at the Khulna Treasury before 3 p.m., and the presenters of payment orders are to wait till that hour to receive payment?

(*d*) Do the Government propose to adopt the system of banks as regards prompt payment?

(*e*) Is the Hon'ble Minister aware that when any money is paid into the Khulna Treasury, the duplicate and the triplicate *chalans* showing payment of the money are not delivered or returned to the payer before the lapse of 2 or 3 hours later?

(*f*) Do the Government propose to have the Treasury work at district headquarter stations done by the Imperial Bank?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*), (*c*) and (*e*) No.

(*b*) Does not arise.

(*d*) Every endeavour is made to deal promptly with members of the public attending Government Treasuries on business.

(*f*) Treasury business of Government is conducted by the Imperial Bank at places where the Bank has a branch.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state what is the objection to issuing tokens to persons who present bills for payment?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question. It is a matter of procedure

Construction of sluice gate over Garidaha khal, in Faridpur district.

22. Mr. AHMED ALI MRIDHA: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the Garidaha *khal*, police-station Baliakandi, in the district of Faridpur, causes destruction of crop almost annually in the major part of the thana;

(*ii*) that this year entire crop of *aus* and *aman* paddy has been destroyed in 12 unions by rush of water;

(*iii*) that Government contemplated erection of a sluice gate over the *khal* to control the rush of water; and

(*iv*) that the schemes for construction of sluice gates have not yet materialised?

(*b*) If the answers to (*a*) (*iii*) and (*iv*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the proposal of erecting the sluice gate has been abandoned?

(*c*) If so, will the Hon'ble Minister be pleased to state the reason thereof.

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) (*i*) The crops are damaged occasionally when the bund across the khal is breached.

(*ii*) Crops have been damaged entirely in the three unions Dumain, Korakdi and Jangal and partially in the unions of Gazna Megchami (southern side), Paik Kandi and Baliakandi (south-western side).

(*iii*), (*iv*), (*b*) and (*c*) The question of feasibility of constructing a sluice gate was thoroughly examined in 1934 by the Collector and the officers of this Department and it was found that the construction of a sluice gate, which

would cost about half a lakh of rupees, would not guarantee the prevention of floods, which might occur through breaches elsewhere in the bank of the river. Government were advised that as a temporary measure water might be kept out by the erection, every year, of a temporary earthen bund, which might be cut again after the harvest of the *aus* paddy. The proposal was, therefore, dropped. This state of things will continue till the scheme for the improvement of the Chandana system which includes the Garidaha *khal*, is executed.

Mr. AHMED ALI MRIDHA: Will the Hon'ble Minister please tell the House when the Chandana system scheme will be executed?

The Hon'ble Mr. SHAMSUDDIN AHMED: I explained to my learned friend yesterday and the exhaustive explanation I gave on the floor of the House, I think, will satisfy my friend—at the earliest possible opportunity.

Mr. AHMED ALI MRIDHA: Can we expect it to be executed within five years.

The Hon'ble Mr. SHAMSUDDIN AHMED: I hope so.

Mr. AHMED ALI MRIDHA: Government will not spend Rs. 50,000, as it is said in the answer. Will the Hon'ble Minister please state if they are going to leave the people to their lot in misery indefinitely till the Chandana scheme is taken up and worked out?

The Hon'ble Mr. SHAMSUDDIN AHMED: No, that matter might be further examined.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that the policy of decentralisation of smaller irrigation work was adopted so that the initiative may come from the local bodies for sums of Rs. 5,000 and above on the basis of which such smaller improvement schemes may be undertaken?

The Hon'ble Mr. SHAMSUDDIN AHMED: Yes, that is so. I am just considering the whole thing. I find from the files that almost all the district boards are not taking any initiative at all, and I think I will have to revise the whole thing. I am contemplating to hold a conference of the chairmen of district boards just after the session is over and the whole thing will be thrashed out.

Dr. NALINAKSHA SANYAL: Has the attention of the Hon'ble Minister been drawn to the observations made by some members of the Legislature criticising the introduction of the policy of decentralisation where the same apprehension was raised, namely, that district boards will not be in a position in the absence of expert knowledge or any experts on their staff to take up such works?

The Hon'ble Mr. SHAMSUDDIN AHMED: Yes.

Dr. NALINAKSHA SANYAL: Has any arrangement been made by Government to see that these difficulties are eliminated?

The Hon'ble Mr. SHAMSUDDIN AHMED: I have already told you that I have examined it and that is the conclusion I have arrived at.

Mr. AHMED ALI MRIDHA: What is the calculation in money value of the crop that has been destroyed this year and other years generally?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am sorry, I cannot tell you.

Mr. AHMED ALI MRIDHA: Can it be less than Rs. 50,000?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am sorry, I cannot tell you.

Mr. AHMED ALI MRIDHA: Will it be less or more than Rs. 50,000?

The Hon'ble Mr. SHAMSUDDIN AHMED: It is very difficult to say that.

Mr. AHMED ALI MRIDHA: How many unions have been affected? The Hon'ble Minister in his answer has said, "Crops have been damaged entirely in the three unions of Dumain, Korakdi and Jangal and partially in the unions of Gazna Megchami (southern side), Paik Kandi and Baliakandi (south-western side)." Can the Hon'ble Minister please make an estimate and say whether the damage will be more than Rs. 50,000?

The Hon'ble Mr. SHAMSUDDIN AHMED: It may be more or less than Rs. 50,000. My friend may guess it.

Mr. AHMED ALI MRIDHA: Will the Hon'ble Minister please consider the desirability of erecting *bunds* under the supervision of their experts at their own cost so that there may be some guarantee for the protection of crops?

The Hon'ble Mr. SHAMSUDDIN AHMED: My friend will realise that Government cannot take over all works of *bunds*. It is for the district board or, at the present moment, the union board to take these up. If the district board or the union board comes forward to Government for help, Government engineers can supervise, and if it gives an undertaking that it will continue repairing, then Government will certainly give some money.

Mr. AHMED ALI MRIDHA: Will the Hon'ble Minister consider that when the district board is not able or willing, in that case for the protection of the crops, Government themselves will undertake such works?

The Hon'ble Mr. SHAMSUDDIN AHMED: Even if the district board does not do it, my honourable friend may approach the Government, and Government will certainly take up the scheme.

Unanswered Questions.

Dr. NALINAKSHA SANYAL: May we invite the attention of Government through you, Sir, to the very large number of questions still left undisposed of and not answered, particularly relating to the Home Department? Sir, we are faced with a number of questions of the Hon'ble Nawab Bahadur of Dacca which have for personal reasons got to be held over from

time to time. May we, in these circumstances, request you particularly to see that questions relating to other departments might be expedited, and we may at least see a fair number of questions answered every day so that by the end of this session, we may not be faced again with a large number of questions being unanswered?

Mr. DEPUTY SPEAKER: Dr. Sanyal, as far as the Assembly Department is concerned, we have done all that is possible for us to do. We have requested Government to expedite answering questions. So far out of 322 questions we have received only 66 answers. As regards the questions of the Hon'ble Nawab Bahadur, I explained the position to the House yesterday. He is still ill; he has got carbuncle. Within three or four days he will be able to come and answer his questions.

Adjournment Motion.

Mr. H. S. SUHRAWARDY: Sir, I beg to move that the business of this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation arising out of the misapplication of Ordinance No. II of 1942.

Sir, I am told that you gave permission to us to move it tomorrow.

Mr. DEPUTY SPEAKER: I fixed the date for tomorrow for moving the motion.

Dr. NALINAKSHA SANYAL: After it is admitted, then you can fix a date.

Mr. DEPUTY SPEAKER: I must see whether it is in order. I will read out the motion. This is the motion of Mr. H. S. Suhrawardy:—

"That the business of this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation arising out of the misapplication of Ordinance No. II of 1942 by appointing Special Magistrates in cases not contemplated by the Ordinance."

This is in order. I think there is no objection.

The Hon'ble Mr. A. K. FAZLUL HUQ: I object.

Dr. NALINAKSHA SANYAL: Sir, Government allotted a day on the 26th. This was the arrangement with the Chief Government Whip and he did not raise any objection then. I am surprised that the Chief Minister is now objecting.

Mr. DEPUTY SPEAKER: If there is objection, I will have to take the consent of the House as to whether the members agree or not.

Khwaja Sir NAZIMUDDIN: There is just one point I would like to place before you and the Leader of the House. Today is an exceptionally abnormal day. Many members have not been able to come on account of the rain. I suggest that you will kindly take up this question of admissibility tomorrow instead of today. You will see how the attendance is thin in this

House today. The members cannot have any conveyance. They are stranded. Pavements are practically full of ankle-deep water. It is not possible for an average member to reach here in time.

Mr. DEPUTY SPEAKER: As for myself I have already waived the urgency of it. I do not mind postponing it till tomorrow. I think there will be no objection from the Treasury Bench.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I realise the importance of the point to which Sir Nazimuddin has referred. On account of the inclement weather it is possible that members have not attended, and if I challenge that 52 members are not present to support the motion, it would be unfair to the Opposition. From that point of view I am prepared not to press that point today, but I am only telling the House that apart from that I have my objection to the admissibility or otherwise of the motion.

Mr. DEPUTY SPEAKER: That may be taken up tomorrow.

Khwaja Sir NAZIMUDDIN: I thank the Leader of the House.

Mr. H. S. SUHRAWARDY: There was another adjournment motion which you were good enough to give consent to, but which I have not had an opportunity to move. When shall I move that?

Mr. DEPUTY SPEAKER: I cannot take up two adjournment motions at the same time. I will consider that tomorrow.

Supply of Petrol to Assembly Members.

Dr. NALINAKSHA SANYAL: Sir, before the food debate starts, may we have replies from the Chief Minister to the series of entreaties and requests that were made through you regarding the supply of petrol for the month of February? We understand that Council members are already getting half a gallon petrol per day, but so far as the Assembly members are concerned, we do not know why they are not being treated with the same courtesy as the members of the Council, or House of Lords, are being treated.

Mr. DEPUTY SPEAKER: It is really strange to me also. Some members came to me, and I understand from them that they have got only one or two gallons for the month of March, but nothing has yet been given for the current month. I have already requested Government to look into the matter, and I will again officially request the Government—possibly it is a matter for the Civil Defence Department—to see that you get your petrol in no time.

Dr. NALINAKSHA SANYAL: Thank you, Sir.

SPECIAL MOTION.

Supply and distribution of foodstuffs, coal, kerosine oil and cloth.

Mr. A. F. STARK: On a point or order, Sir. Before we proceed may we know what we are going to discuss tonight? We understood that there

would be a Government Party amendment moved today. We have not yet got any Government Party amendment here. We think it is very difficult to go on talking about this without any definite statement of the Government views.

Mr. DEPUTY SPEAKER: No such amendment is before me. The debate will continue, and I understand Government will fix another day to close this debate, and I will be able to tell you after hearing the Leader of the House in this matter. There is no amendment before me today.

Mr. A. F. STARK: On a point of order, Sir. Will you fix a definite date before which the Government Party must lodge their amendment?

Mr. DEPUTY SPEAKER: I had a discussion with the Chief Whip of the Opposition and it was partially settled that it would be taken up on the 9th. That is the only possible date.

Dr. NALINAKSHA SANYAL: Mr. Stark's question so far as I understand is this: May we know from you, Sir, whether you have fixed a definite date by which the Government amendment will be placed before the Assembly?

Mr. DEPUTY SPEAKER: That will be done as soon as I get the amendment from the Government.

Dr. NALINAKSHA SANYAL: If Government do not place any amendment by that date may we take it that no amendment will be permissible after that?

Mr. DEPUTY SPEAKER: That I cannot say.

Mr. A. F. STARK: Sir, an honourable member has to observe certain rules, one being that he must give notice of an amendment which will be considered by this House. What we are asking is that the Government Party should have to observe certain rules and the particular one we wish being a certain date by which the amendment must be lodged, otherwise the amendment cannot be tabled. The object is that we should have time to consider the amendment.

Mr. DEPUTY SPEAKER: I entirely agree with you. It is only desirable that this department should receive the amendment if there is any from the Government in time, so that it may be circulated to the members and the members will have sufficient time to consider the admissibility or otherwise of the Government amendment. I will ask the Government, if they have got any amendment to move, to send it to this department as soon as possible.

Khwaja Sir NAZIMUDDIN: May I suggest to you, Sir, that you will inform Government that if they want to move any amendment, it should reach your office by the 5th, so that we can have it on the 6th and discussion can be resumed on the 9th. If it comes after that date, it will not be accepted.

Mr. DEPUTY SPEAKER: I will discuss this with the Chief Whip of the Government Party, and I will decide it later on.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have been hearing of amendments to be tabled on behalf of Government. The House will remember that this debate started on a short statement made by the Chief Whip that the present situation regarding the food supply and other necessaries be discussed in this House. There is no substantive motion on which amendments can be tabled. At the same time Government realise that there must be something definite before the House which the House can discuss and on which they can formulate their proposals.

Dr. NALINAKSHA SANYAL: We have provided the same.

The Hon'ble Mr. A. K. FAZLUL HUQ: You have provided the material and I want to provide some further materials.

I accept the suggestion of Sir Nazimuddin that by the 5th of March we will be in a position to let the House know what actually the position of Government is.

Mr. SYED ABDUL MAJID: Mr. Deputy Speaker, Sir, to what extent the security of the province has been endengered by the mishandling of the food problem by the Government is manifest from the chorus of condemnation of the Ministry's food policy from all sections of the House. The destiny of a whole people could never be placed in more irresponsible hands. The Ministry's policy of indecision with regard to this problem is on all fours with its behaviour in this House in relation to the motion under discussion. There is harrowing distress in the countryside as well as in the metropolis for want of food and other essential necessaries of life. It was only to be expected that the Ministry would promptly take advantage of this debate to arrive at an early decision as to what should be done. But on this plea or that plea the discussion of the motion is being interminably prolonged. This is one more proof, if further proof was necessary, of the Ministry's supine apathy and callousness to the sufferings of the sixty millions of people entrusted to their charge. The Ministry means no business; and hence this unbusinesslike postponement of the discussion from day to day.

Sir, till recently we are absolutely in the dark as to whether there was actually any deficit and, if so, to what extent in the production of paddy, the staple crop of this province, in the current year. The disclosure made by the Hon'ble Mr. Hashem Ali Khan in the other Chamber of this Legislature in answer to a question yesterday is disquieting. He said that the estimated production of rice in Bengal during the year 1942-43 was about 69 lakhs of tons and the estimated amount of rice required for consumption was about 93 lakhs of tons, a deficit of about 24 lakhs of tons. How is this deficit proposed to be compensated? Bengal is confronted with an imminent danger, and it is for the House to consider whether it is safe to leave the direction of affairs in the paralysed hands of the present régime.

There is no other alternative than to go ahead without a moment's delay for a comprehensive scheme of rationing. Black markets, hoarding and profiteering have to be ruthlessly dealt with and eradicated for the safety and security of the people. Our responsibilities as representatives of the people are great and my earnest appeal to the House is that we must see that satisfactory arrangements are made without further delay to save the people from the impending catastrophe.

Sir, I would now like to say a few words about the miserable plight of my district, Noakhali, particularly the island of Sandwip, in this crisis. Noakhali is a deficit district. It had always to depend upon other places, particularly Burma, for the supply of paddy and rice, at least for a part of the year. Perhaps next to Midnapore, no other district in Bengal is suffering from such an acute distress as Noakhali at the present time for want of food. This unfortunate land of ours is being faced with one difficulty or another for the last two years in the production of paddy. The devastating effects of the cyclone and the tidal flood of the year 1941 which must be fresh in the minds of the honourable members of the House caused serious damage to the standing *aus* crop and very adversely affected the transplantation of the *aman* paddy in that year and led to the inevitable consequences of a great scarcity throughout the district. Grant of agricultural loan and gratuitous reliefs afforded not much relief to the people. In 1942 just before the cultivation season the denial policy was introduced in the district. It must be mentioned in this connection that the people of Noakhali have to depend to a large extent upon the numerous *chars* for their food production. The withdrawal of all the boats at such a critical time seriously affected the cultivation in the district, particularly the *char* ones, causing shortage of food production in the locality. Want of seeds and refusal by Government to give short-term loan to cultivators through the Co-operative Department unlike in the previous years on the ground of the district being in the emergent area contributed no less to the shortage of food production in the district, particularly in my constituency. While the island Sandwip with a population of about 2 lakhs suffered from these difficulties in common with others so far as the cultivation operation was concerned last year it has met with complete failure of *aus* crops and a partial failure of the *aman* crops, resulting in the prevalence of great scarcity if not famine in the locality.

It will not be an exaggeration to say, Sir, that 95 per cent of the families living in this unfortunate and ever-neglected island have no paddy for consumption at this time of the year and the miseries of the people have increased a hundredfold by the withdrawal of the boats which were the only means of bringing supplies from outside. Paddy and rice are not available to the required extent and whatever meagre supply there may be, the price has looked up beyond the means of the people to buy. Similar is the condition of the people of the other parts of the district. The situation at Noakhali has assumed a very serious turn. Looting of paddy and rice from boats and shops has already commenced in various parts of the district. Lives and properties are becoming insecure, and if the situation is not handled with sympathy and promptitude, it may go altogether out of hand

and lead to a serious disaster. Let any one of my friends on the other side, I mean the representatives from Noakhali supporting the present Government, deny or contradict what I have just said before the House if they can.

For other essential necessaries of life the sufferings of the people of my district are not less in any way than those of the people in other parts of the province. But I would like to mention specially the most inequitable and unfair distribution of kerosene oil. The local agents of the Burma Oil Company which supplies the bulk of the needs of the people are bungling the whole distribution to the greatest disadvantage of the people. It seems that the local authorities are no match for them. Will you not be surprised to hear that in many parts of the district, specially in Sandwip, the agents are selling at Rs. 16 to Rs. 20 per tin of kerosene oil even now. Will you not be still more surprised to hear that the poor people cannot light a lamp for want of the oil even to take their meals during night? Have not a large number of men fallen victims to snake bite at night in the district, and yet no lamp could be lighted by the inmates for want of kerosene oil? The miseries of the people can be imagined more than described. If there had been proper rationing in the distribution of kerosene oil in the district, the quantity which is supplied by the Company to the agents of the district would be sufficient to mitigate the hardships and difficulties of the people to a great extent. But the local authorities, due to a lack of any direction from the higher authorities, have miserably failed to properly tackle the problem of distribution of the oil. With these few words, Sir, I would resume my seat.

Mr. ANANDILAL PODDAR: Mr. Deputy Speaker, Sir, on the last occasion when I had the opportunity to speak on the food situation in the House, I said that although price control as a principle justified itself, it was such a delicate and responsible task that without thoughtful planning and resourceful administration it was bound to have disastrous effects. Today it is admitted that the price control measures have been a failure and the Government has been so long only nibbling at the problem. I appreciate the difficulties of the Provincial Government in so far as the situation is beyond their control. They are not responsible for the indiscriminate and unjustifiable currency expansion which is one of the primary causes of price inflation, they are not responsible for the haphazard control policy launched by the Central Government under the advice of their Economic Adviser; nor have they any control over the large scale military purchases and wastages, and the export of rice from Bengal to Ceylon and other countries. But it cannot be denied from all accounts that the Government of Bengal have played the role of "Yes" men of the Central Government in matters the final decision of which rests with them. As a result, from the creation of a Price Control Department to the inauguration of a Civil Supplies Directorate culminating in the appointment of a European High Court Judge as Director of Civil Supplies who is the *de facto* Food Minister of Bengal, perhaps responsible only to the official coterie, which is in virtual possession of administrative authority in the province, thanks to the omnipotent Defence of India Rules, the history of the food

and fuel situation in this province is a story of inefficiency and high-handedness. To all appearances, the Government of Bengal refuse to take the public into their confidence and have so long satisfied themselves by laying all the blame at the door of the so-called profiteer. Sir, panic is the psychology of scarcity and the Government by their ill-conceived and half-hearted measures have only aggravated the habit of pre-emptive buying on the part of the individual as well as the dealers. Sir, the present stale-mate is to be ascribed to the interference of the Government without a plan and proper man to handle.

I need not stress the urgency of taking some immediate steps to check the upward tendency of prices of all essential articles of food. Sir, according to the statement of the Controller of Civil Supplies, Calcutta, the cost of living index on the basis of the retail prices prevailing on the 22nd January, 1943, for the working class in and around Calcutta was 248, the index of rice was 295, of atta and flour 552, of salt 300 and so on. According to the trade, prices have gone over 300 per cent. in most of the section. Sir, the people of this country are docile but I am afraid if adequate steps are not taken in good time, there may be food riots and the economic structure of the society may collapse.

The food problem at present, Sir, is more a problem of distribution of food rather than that of its production. This does not mean that all is well with production but adjustments and improvements in production are bound to take a considerable period to be effective. The much advertised "Grow More Food" campaign has been confined to a paper propaganda. Will the Hon'ble Minister in charge of the Department tell the House, if statistics have been taken district by district? Has the yield in the so-called surplus districts been appraised in relation to the increased population? Have they made a survey of the cultivable waste lands in the province? I have yet to know if without a planned programme for distributing seeds, manure and some financial assistance, food can be grown by means of circulars and press bulletins. I am also constrained to note that the Bengal Government has yielded to the pressure of the Indian Jute Mills Association and agreed to an eight-anna sowing of jute instead of their original scheme of a five-and-one-third-anna sowing. The Bengal Government denied the report about their original intention in course of a Press Note issued on the 18th February, but on the 19th February the President of the Indian Jute Mills Association gave away the whole show in his speech at the Annual Meeting of the Association and the public had an opportunity to know how vital programme is decided upon at the behest of the interested trade.

If Bengal is to produce more rice, there must be a drastic cut in the jute acreage and also a planned propaganda for inducing cultivators to grow more food crops in cultivable waste lands by promising not to charge any assessment for the next ten years. Besides, Government should purchase grains from the cultivators at prices that will leave reasonable profit to them and sell the same under controlled system to the consumers without driving the normal trade out of picture. So far as the system of purchasing and distributing is concerned, Sir, I do not grudge the luck

of those ten or twelve persons who have been appointed by Government as agents for purchasing rice and paddy but I do not like the manner of their selection behind the screen, without taking the trade into confidence. The public may complain that while Rome is burning, Nero is fiddling, and it is not unnatural that the inefficiency with which the food problem is being handled by an incompetent governmental machinery has given cause for the public suspicion about the Government's sincerity. I would urge the appointment of a non-official Advisory Board under whose guidance the work of the Directorate should be carried on.

Sir, I said only the other day that there was an element of threat in the budget speech of the Chief Minister, when he referred to the steps to be taken in regard to the trade, and today I may inform you that action has already followed the threat and respectable businessmen paying a huge amount into the coffers of the Government by way of taxes are being harassed, apparently at the instance of the Civil Supplies Directorate. I have nothing to say if any definite charge is brought against any businessman, however big, and he is tried in an open court. But businessmen, more respectable than any Presidency Magistrate or even a High Court Judge, not to speak of any other personality in the steel-frame, are being arrested and put in the lock-up, and bail is being refused. Is this not harassment? Does the Government realise that they are only worsening the situation by alienating the trade? Sir, let me warn the powers that be that high-handedness will lead to serious consequences.

Coming to the problem of distribution, Sir, I understand the proposal of introducing rationing is being seriously considered by Government. Rationing with price control is no doubt the most satisfactory solution, if efficiently and justly handled. In western countries this is the method that is tried and with success. But in India the Government have tried to tackle the problem only by price control; and that too is hesitant, piecemeal and ineffective. They have made no arrangement for rationing. The result is chaos in distribution, profiteering by some traders and the corruption of Government servants. Any feasible plan of distribution of food would have for its objects firstly, an assurance of the minimum to everybody by rationing, and secondly, increasing controlled agencies. I quite realise that the whole of India is to be treated as one unit, and the responsibility rests mainly on the Central Government, particularly in the matter of providing transport facilities. But the Bengal Government cannot certainly look complacently at the privations of the people who cannot get coal or milk, although this is available at a few miles distance for lack of wagons and trains.

Sir, I would again urge the Government to shed their bureaucratic arrogance and take the public into their confidence simply because public confidence is a great asset at a critical time like this. The normal course of the trade has been choked up, consumers are panic-stricken, and the public does not seem to have any faith in the capacity of the Government to arrange food-supply at controlled rates. I am told the Government cannot arrange to give food articles at controlled rates even to those

prisoners who have been detained without trial under the various Ordinances. If Government cannot arrange to supply food at controlled rates to a few hundreds of security prisoners, how can the people feel secure that it will be able to arrange supply of food articles to the vast population of this province without the heartiest co-operation of the trade? But, Sir, of one thing I am sure and that is that even rationing will be an utter failure, if it is left in the hands of the present machinery.

Mr. MIRZA ABDUL HAFIZ: Mr. Chairman, Sir, the present situation in the province with respect to the problem of foodstuff, coal, kerosene and cloth besides other necessities of life has been serious and complicated, rather has reached its climax Of these the food problem is the problem of all problems without which the world cannot go on for a single day, and the problem has now become unbearably acute. In most of the districts including the jute-growing districts panicky alarms have been spread from one corner to another about want of paddy and other food grains. Sir, I hail from the mufassil area of the biggest jute-growing district like Mymensingh inhabited by a population of no less than sixty lakhs of people. Last time I travelled through a hundred villages and I know of many people taking *kalai, khud, kunra, kachu, ghechu, saluk*, leaves of plants and grasses and what not? They are selling corrugated iron sheets they had, lambs and goats, if any, ploughing bullocks and buffaloes and utensils and furniture—and what for? For buying foodstuff only for the purpose of saving their lives. I am unable to describe the harrowing distress and plight of the everyday increasing landless labouring classes.

Sir, being pressed thus the people of different districts on both sides of the river Jumna sent some thousands of boats of capacities varying from 50 to 500 maunds and a few of 500 to 1,000 maunds to Assam for rice and paddy and you know their fate. At Dhubri most of their boats were attached, goods forfeited, the persons convicted each with fines of Rs. 50 or more or with imprisonment or with both. Some of them, so far as we know, sent some wires to the Chief Minister from Dhubri and elsewhere but without any effect. It was also known that he would go there and make some arrangements but all that was nonsense. Cannot the Ministry do anything towards this or make some negotiations with the Assam Government to release those poor seekers of *dal-bhat*? Cannot they ask the Assam Government to deal with them leniently? Sir, I would ask you to imagine the food troubles from another point of view. There are five Sub-Registry offices in the subdivision of Tangail at Ghatail, Madhupur, Kalihati, Tangail and Mirzapur. Now at the Tangail Sub-Registry office only in last January 1,900 documents, mostly sale deeds, were registered while some 2,000 deeds were registered during the whole of last year. By this you can imagine why the poor cultivators for want of two morsels a day had had to sell their hearths and homes. Villagers after villagers are hurriedly leaving their birth-place of Tangail and other parts of the district for taking shelter in the dense forests of Assam. This exodus so to say has been going on vigorously particularly from the last year. If you go and see up-steamers plying through the Jamuna up to the Upper Assam you cannot check your tears for the plight of such distressed cultivators with their

children and family on the deck leaving their birth-places only for the *dal-bhat* so many times promised by the Chief Minister, the Hon'ble Mr. A. K. Fazlul Huq. However, Sir, who is mainly responsible for such a situation and what are the grounds that the country has come across such a serious situation? I am sure the present Ministry cannot shirk their responsibility of creating such a situation and are certainly responsible not to a smaller degree.

The grounds are—

(1) The present Ministers' wrong policy of allowing the ten-anna quota for growing jute last year in spite of the serious attack of Japan by air, sea and land in consequence of which Burma, whence we used to get no less than 4 crore maunds of rice per year in normal time, Singapore and other places were separated and cut off.

(2) Damage of crops, both *aus* and *aman*, partially and somewhere totally, specially in the riverine districts.

(3) Military consumption.

(4) Export from the province.

(5) Callousness and carelessness of the Ministry to handle the situation in right earnest for want of foresight and serious thinking in understanding properly what the situation is and would be.

Now, Sir, we can turn our face and see how can this food problem be solved.

(1) Export out of the province must be totally stopped until the surplus production is actually attained.

(2) Jute quota of 8 annas should be revised for the current year and 4 annas be made with exceptional provision where up till now some portion has already been sown and that area being still very limited, the change would little affect the total area.

(3) A survey be promptly made by the Civil Supplies Directorate in collaboration with other departments, if required, of the self-sufficient districts and deficit districts, deficit in quantity according to population. Then the superfluity of the surplus districts, if any, under the present circumstances be allowed to flow down to the neighbouring deficit districts by some honest private enterprisers under check, control and licence and by Government contractors if no difficulty.

(4) Import to be made from outside province according to the need of the total balance and some percentage more where available.

(5) Any sort of corruption, bribery and jobbery in the Civil Supplies Department be strictly dealt with and the arrangement be made in such a way that supply and distribution of foodstuff can be made promptly, systematically and indiscriminately.

(6) The "Grow More Food" campaign cannot be abandoned as the Ministry has done, but it would have to be vigorously taken up; provision shall have to be made in this budget. In connection with this the provision

for distribution of improved type of seeds, particularly of paddy, at a larger scale throughout the province where required be made and this system, if adopted, would produce a healthy effect.

(7) The Government will have to advance a huge amount of agricultural loans to the poor agriculturists wherever demanded.

(8) The profiteering, black market, etc., must be checked and severely punished.

Mr. Chairman, Sir, through you I appeal to the Ministry that for God's sake forget your presistent policy of making party propaganda from inside, as you have stopped outside for the apprehension of black flags demonstrations and focus all of your thoughts and anxieties at least for some time for bettering the situation created by the foodstuff problem first, then cloth, kerosene, coal and other things immediately after.

With this I resume my seat.

Mr. ATUL CHANDRA SEN: Mr. Chairman, a serious food crisis confronts Bengal today. Any one walking along the streets in Calcutta must have seen numbers of people—men, women and children—waiting in the burning sun in interminable queues for the day's provision—some getting it and many others returning disappointed. Any one who has been to villages must have seen people living on *kochu* leaves boiled and husks boiled. I have seen it myself. This is about poor people. People having money may have some rations for the present but the day is not far distant when they will have their share of suffering as well. The situation is really serious. It portends evil for the future. I have reasons to believe that there will be serious food riots all over the province unless the problem is tackled properly before it is too late.

This problem may be subdivided under three heads, namely, first, the question how to meet the shortage of supply; secondly, how to make a proper distribution of the existing supply; and thirdly, to fix a fair price for the commodity.

Sir, I will take up the second first. As regards proper distribution, there is perfect unanimity of thinking that profiteering and hoarding must be eliminated altogether; that hoarders, profiteers and food thieves must be dealt with sternly. There is no question about that. But do we suggest that this distribution should be left entirely in the hands of Government machinery or should the natural channel of trade be allowed to take its part in distribution? I am inclined to think that at this stage to take absolute control of distribution will not be a wise course to adopt. I am inclined to think that the natural channel of trade should be allowed to operate but under proper control, control to be exercised not merely by governmental machinery but by governmental machinery helped and aided by the public. I have been in the villages in the meantime and tried to understand public opinion in this respect. The feeling is that public co-operation has not been sought in the matter as it ought to have been. This is regrettable.

The second question is to fix a fair price for the commodity. Only yesterday I received a telegram from my constituency telling me that the price of rice has gone up as high as Rs. 15 per maund and the people there are literally starving. This must be prevented. Government must do something to bring the food commodity within easy reach of the poor people. The price must be fixed at a lower level than it is ruling today.

The next question is that of supply. In dealing with this question the first thing that comes uppermost in my mind is the question of "Grow more food" campaign. No doubt there has been some sort of campaign in the province. Unfortunately this campaign has been limited to some newspaper notices and some red letter placards pasted on the walls of the city. The propaganda has not reached the masses which it ought to have reached. (Mr. Abdul Wahab Khan: They read the "Statesman"!) Yes, they read "Statesman", "Amrita Bazar Patrika" and "Hindusthan Standard" and all other English newspapers published from this city. I know, Sir, that the Government realise that some campaign encouraging and inducing the people to grow more food is necessary, but the kind of campaign that has been carried on for the last few years has been a mere apology for propaganda. I had occasion in consultation with a departmental head to submit a plan of campaign to the Government. Unfortunately I could not make the civilian Secretary understand the scheme. Sandwiched between a muddle-headed Secretary and a helpless Minister it came to nothing. I was baffled, but I do not despair. I would yet give some suggestions apart from mere campaign. We all realise that the peasants must be encouraged to grow more food, but, Sir, a debt-ridden and rack-rented peasantry as we have in this province cannot be expected to join a production drive, unless adequate means are adopted to encourage them to do so. I make the following suggestions which I believe will help a production drive among the peasants. I suggest that all fallow lands must be made over to the peasants free of rent—a revolutionary suggestion no doubt, but these are abnormal times and abnormal times call for abnormal revolutionary remedies. I suggest that credit facilities must be given to the peasants for opening new lands for cultivation. I suggest further that fair prices must be ensured for the crops raised. I suggest that landlords, *mahajans* and other creditors of the peasants must not be allowed to make increasing demands for their dues, because of the increased output of crops. I go further and say that a partial or complete moratorium must be granted on all outstanding debts, revenue or rent payable by the peasants. When I say so, I am not unconscious of the fact that these suggestions are rather of a revolutionary nature, but as I have said, Sir, abnormal times call for abnormal remedies. Unfortunately this Government like their predecessor have not realised it. They have not been guided by the spirit or the wish to help the peasantry to grow more food. In my constituency, there is an area called the Arial Beel area, where vast tracts of marshy land remain submerged under water covered by water-hyacinth. Paddy can be grown there in considerably large quantities if the lands can be protected from this *kachuri* pest. The people of the locality helped by some local gentlemen built up a barricade there to protect the crops. Government came in later

and took up the extension and maintenance of the barricades. But they bungled the whole scheme. They bungled and imposed heavy taxes for the barricade built. I think any Government in any civilized country other than India would have come forward to help the peasantry by making grants to make the barricade, but here in Bengal, here in this unfortunate land Government are making exorbitant demands on the peasants as the costs of the barricade. (Cries of "Shame, shame".) On more occasions than one in the past, I have tried to convince the House that the peasants should be exempted from payment of any tax on that score but unfortunately I failed. This is not the proper spirit which ought to guide the Government at least today, if they really want to encourage the "Grow more food" campaign.

Sir, the substance of what I have tried to impress upon this House is this. If serious attempts are to be made to encourage the "Grow more food" campaign, steps must be taken to encourage the peasantry by giving them lands free of rent, credit facilities and a moratorium on all outstanding dues, so that they may whole-heartedly join the production drive. If the peasantry of Bengal do join the production drive one-half of the food problem of Bengal will be solved. That is my honest opinion. Sir, I have finished.

Babu NAGENDRA NATH SEN: Mr. Chairman, Sir, this food problem in Bengal as in every other part of India is agitating the mind of the people very much. With respect to the motion moved by the Chief Whip the Opposition has moved an amendment "that the Government have failed to tackle satisfactorily the problems of supply and distribution of foodstuffs, etc., etc." If by the word "Government" the Council of Ministers is meant then this is not correct, but if the executive or the administrative machinery of the Government directly controlled by His Excellency the Governor is meant, then it is perfectly correct.

What jurisdiction have the Hon'ble Ministers in this matter? Are they entitled to influence the policy of war administration? Have they got the control over the transport system? Have they got any right to control the supply of coal, paper, kerosene? Have they got any control in the matter of export of rice or import of wheat and sugar from or into this province? The responsibility of the Council of Ministers should be judged in accordance with the answer "yes" or "no" of these questions. Who is the Hon'ble Minister in whose charge this department is? In newspaper reports we find the name of the Hon'ble Mr. Santosh Kumar Basu who interests himself in this matter by joining public meetings or departmental meetings. When questioned he disavows all responsibility in this matter. Now we find that this business appertains to the office of the Hon'ble the Nawab Bahadur of Dacca as the Commerce Minister. Failure there has been, and absolute failure which is scandalous and reprehensible. There appear no signs of co-operation between the Central Government and the Province, nor between the military authorities and the Provincial Government. There is no idea or attempt to maintain equilibrium between military demands and the bare and essential necessities of the civil population. Every one in authority

seems to be obsessed with the idea amounting to conviction that in a war the civil population does not count anywhere. The absolute want of sympathy with the civil population is responsible for these hardships and troubles which the whole country is passing through. It is the alien administration manned by sundried bureaucrats having no sympathy for the civil population that the people have got to look up to for their *bhat*, *dal* and *kapar*. When they ask for bread they are given either no reply or are given stone instead. His late Majesty King George V when on His Royal visit to this country had stressed the duty upon public officers of showing sympathy towards every one. But, alas, his advice has fallen on deaf ears. In a war—total world war, or small war—a discontented civil population is not an asset, but quite the reverse of that. It is the bankruptcy of statesmanship in our rulers that they have failed to understand this elementary canon of administration and are working in a direction quite the opposite which they ought to pursue.

There have been set up a Department of Supply and control, price regulation and rationing, etc. But they have egregiously failed in their duties. Their intervention has aggravated the situation and has made conditions more critical and embarrassing. This department is manned by officers who have never sought the help and co-operation of the public and have never wanted to know where the shoe pinches. Secure in their insular positions with no responsibility to any one, they are going on experimenting or sitting tight in their posts and drawing high salaries. Mr. Kirpalani had his office in the 4th floor of the Writers' Buildings which is not approachable to ordinary human beings, although his duty at least on paper was to control and regulate supplies in Calcutta which means constant contact with traders and merchants, stockists and distributors. But there was no opportunity for this. Even now the present incumbents of this department seem to have no knowledge or training about the functions for which they are paid princely salaries. Raniganj is only 108 miles and Asansol only 120 miles by rail from Calcutta, but there is coal famine in Calcutta, and in spite of complaints in newspapers they never raised their little finger to ease the situation. To this must be added the complaints widely and publicly made that corruption and bribery is rampant everywhere. The people of Jessore sent a largely signed representation to the higher authorities, but with no result.

The dual authority of the Central and the Provincial Governments should be abolished, and there should be co-ordinand unification. The remedies are indicated in the amendments of Dr. Nalinaksha Sanyal which I wholeheartedly support. Control there must be but there should be some method in this control which should not be left to the discretion of a single officer. They should invite co-operation which will be gladly and readily given.

If there are enough food-grains and other essential commodities of everyday life the need for control and supply may altogether vanish. Black markets and criminal profiteering should be suppressed with a vengeance. Persons indulging in these should be whipped or otherwise exemplarily

dealt with. The "Denial Policy" should be abandoned. By commandeering boats (and in many cases they have been burnt or otherwise destroyed) the fish trade has been dangerously handicapped; the trade in honey and fuel wood has disappeared, rendering the people employed therein destitute and famished. The country is being denuded of its livestock to feed the military. In the near future milk will be a matter of history only and cultivation will be very seriously jeopardised. Even immediately after the cyclone in Midnapore last October the Police had forcibly commandeered milch cows and cattle to feed the military. In yesterday's morning papers there appeared an advertisement calling for tenders (amongst other things) for the supply of meat, 4 maunds a meal, for the consumption of a Civil Pioneer unit stationed at Maheshganj in the Nadia district. Most of them are Bengalees and not used to meat every day. And if it is the rate and index of semi-military demands, then God knows where will be Bengal a few years later. This propensity to feed fat the military at the expense of the civil population is at the root of all evils. We should be given just what we can legitimately demand. We do not want anything more. Scarcity there has been before and scarcity there may be again. But who has ever heard of such high prices prevailing before. For instance the price of rice has now risen up to Rs. 20 per maund. The other day I sent a servant to buy some rice but he returned and told me that *atap* rice was selling at Rs. 20 per maund, or 8 annas a seer. It is high time that there should be, as I have already said, co-ordination between the military and the civil. What is the liaison officer of Bengal doing all this time? Has anybody ever heard of him? What is his duty? What are the Government officers doing? Have the Civil Supply Department ever taken care to take counsel of any non-official gentleman? There are 19 or 20 lakhs of people in the city of Calcutta and its suburbs. How many shops have been set up by Government or under Government patronage and control? If any one would go to a rice control shop he will find nearly 1,000 people standing there in line, and this morning one Rai Sahib reported to me that he went to purchase a small quantity of sugar. He went there at 6 o'clock in the morning and returned at 11 o'clock with half a seer of sugar. This is most scandalous. People can never be content with their belly and stomach empty. They must have the barest necessities of life, the barest foodstuffs if they are to keep their body and soul together. If they are denied the simple and elementary needs then how can they remain content. I again say that this discontent of the civil population is not an asset but quite the reverse of it.

Mr. SHAHEDALI: Mr. Chairman, Sir, the food problem is an acute problem in Bengal, and it is the duty of every civilised Government to protect its people and also to supply them with food and clothing. Here, Sir, in Bengal from the answer given by the Honble Khan Bahadur Hashem Ali Khan in the Upper House it is now known to all that Bengal is a deficit province. Unless we take care to remedy this we shall suffer much in future: and with that end in view the Chief Whip of our party has set the ball rolling and invited criticisms from all of us.

Now, Sir, the most difficult problem of the time is the distribution and control of foodstuff. If it is under the command of the Central Government and the Central Government only entrust the Provincial Government with the execution of their policy, we are nowhere. On the other hand, if our Government take upon themselves the responsibility of protecting the people of this province by supplying them with food and clothing, then we can face criticisms as this will help us in solving the problem.

Now, Sir, I shall first deal with the problem of Chittagong Division. Chittagong Division has got a peculiar problem of itself. First of all, it had its foodstuff imported from Burma; it had then its foodstuff imported from Assam and it had also imported rice from Bakarganj. But unfortunately, Sir, we are not now getting any rice from Burma and it has been prohibited by an order of the Government of Assam that no rice should be imported from there to the province of Bengal. Lastly, Sir, our Provincial Government have also ordered that no rice will be sent to the districts of Tippera, Faridpur and Dacca from Bakarganj and other districts of the province, and it is known to all that Tippera and other districts of Chittagong Division are deficit districts. As a result of the denial policy adopted in the district of Tippera and other districts of the Chittagong Division rice and paddy have already been taken away by purchasers from outside. Now at the fag end of the day we find today in the papers that rice or paddy of more than 300 maunds cannot be exported without special permit of the food-grains authority. The district of Tippera and other districts have got no rice, no paddy, and unless measures are taken immediately, people there will die of starvation.

Now, Sir, a solution of this problem is urgently necessary. But at the present time the question is, how can we solve it? At the time when the cultivation of jute was discussed in this House Government pleaded inability to help the cultivators because there were no transport facilities, and that was at the beginning of the war in eastern zones. Now the situation is much more critical owing to war in eastern zones for months past and transport facilities are absolutely required for the military; and we do not know how Government will help us with rice and paddy if these are stopped to be imported from outside districts. It has been said by some officials that it will be their duty to send rice to the outside districts within the course of two or three days. May I know, Sir, how can Government help the people of Chittagong Division with foodstuff when it will be invaded by Japan, if there are no transport facilities? Now, Sir, the Hon'ble Khan Bahadur Hashem Ali Khan should not be busy with his own district of Bakarganj but should also think of other districts. He has done something in the shape of starting stores on a co-operative basis in his own district, and I think he should take similar steps to see that such stores are also opened in other districts so that they also might not be deprived of the benefit of such societies.

Sir, it is said that the district of Bakarganj is a deficit district, but it has also been said more than once before the House by many responsible members that the district of Bakarganj is no longer a deficit but a surplus

district. So also are the districts of 24-Parganas and Khulna. I am not sure about the 24-Parganas, but so far as the district of Khulna is concerned, that is the view of many. I submit, Sir, that Government should take steps to save the people of Chittagong Division by importing rice from those districts to the districts of Chittagong Division.

Now, Sir, I shall come to the next point as regards distribution of kerosene in the district of Tippera. The Subdivisional Officer of Chandpur has entrusted the distribution of kerosene oil to the union boards; as a result union boards do not give oil to all but to some people only, which is not desirable. Sometimes they sell kerosene oil to the highest bidder and they do not keep any stock in reserve for distribution to the poor cultivator. It has been seen in the district of Tippera that the officers are never short of kerosene, sugar or other commodities while the poor people are generally in great need of these things. Even when we have sufficient quantity of kerosene, we find that the cultivators do not get their share of it. I would ask the Government to take immediate steps in this direction so that bribery and corruption are removed so far as the distribution of kerosene, sugar and other commodities is concerned.

Last of all, I should say something should be done to amend the Tenancy Act of Bengal so that people might grow more food. It is said that Bengal should grow jute to the extent of eight annas and at the same time the Bengal Government ask the people of Bengal to grow more food, more paddy and other foodstuffs. There is a Bengali proverb "দুধ এবং তামাক একসঙ্গে খাওয়া যায় না।" So the Government on the one hand say, "You grow more food" and on the other hand they say, "You grow more jute". How can they do it? It is impossible. So my submission is that the Government of Bengal should send propagandists to different localities for the sake of propaganda, viz., "You grow more food, otherwise you will die of starvation".

With these few words I resume my seat.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. P. BANERJI: Mr. Chairman, Sir, our Chief Whip has tabled a motion which is very comprehensive and I rise to support that motion.

Sir, Mr. Sen of the Coalition Party just mentioned this afternoon that profiteering and hoarding were the causes of the shortage of food. I would mention that they are not the only causes. The main cause is control. Due to Government control merchants had occasion to hoard for fear of not getting proper supplies, but if we try to ascertain the real cause, we find that the main cause is not control alone, but the first cause is the stoppage of food supplies so far as goods from Burma are concerned, the second is the export of rice and paddy, and the third is military supplies in this country.

Now, Government failed to answer when I enquired what was the necessity of control without making any arrangements for rationing. This

control and rationing should go hand in hand. Government could not make any such arrangements and as soon as their purchase in the main commodities was finished, they did away with the control.

The next step taken by Government was the appointment of a Director of Civil Supplies as if this gentleman with his office will meet the supplies. But we sometimes forget, as a friend told me, that control of prices is not certainly in the interests of the public; it is for the purpose of Government being able to purchase foodstuffs at very low prices and as soon as their purchase was finished, the control was withdrawn.

Now, Sir, I will give you a picture of the countryside today. Paddy is selling today at Rs. 8-8 a maund in the 24-Parganas—in Khulna and in Barisal where this commodity is grown in abundance. At the same time, only recently the price of rice was fixed at Rs. 8. A certain executive officer recently went to Jalmahat and fixed the price at Rs. 8, while paddy was then selling at Rs. 6-8. Now, everyone will understand that when paddy is selling at Rs. 6-8—and that too is purchased by Government agents—how is it possible for the cultivators in the countryside to sell rice at Rs. 8? They naturally refused, and as a result there was some altercation and some persons were arrested. On the next *hât* day, there was no rice available and the result was that ordinary labourers and the poorer people were going without food. This happened not only in Jalmahat, but even in an important place like Daulatpur a very serious situation happened. On Saturday the *hât* was practically looted. Students in the mess of the Daulatpur College—honourable members are aware that that is the largest residential college in India where 500 students live—could not have their meals on account of this difficulty. They had to apply to the District Magistrate because nobody would come to the *hât* with rice.

Sir, another difficulty was started by the executive officers. They could not take the risk of purchasing from the interior. Therefore, whenever tradesmen purchased rice from these *hâts*, their boats were captured by Government officials. It was found that in cases where rice was purchased even at Rs. 10 per maund, the whole of the rice was seized by the Government officials and in some cases rice was purchased at Rs. 8 per maund. In some cases when the cultivator refused to give rice at Rs. 8, because it was purchased at Rs. 10 per maund and would therefore entail a loss of Rs. 2, it was forcibly taken and the money was never paid. The result is that in the countryside people are going without food. This is so far as rice is concerned.

While in rural areas facilities are given to the purchasing agents of Government and they are actually purchasing rice at a rate of Rs. 8 per maund, many members stated that rice could not be had even at Rs. 14 or Rs. 15 in some places. For example, within the last two days prices of paddy and rice have gone so high that it is impossible for people to purchase it; and already the looting of *hâts* has started. Jalma *hât*, Dumuria *hât*, Alaipur *hât*, and Daulatpur *hât*—all these *hâts* have been looted. Some of these cases of looting have been reported in the newspapers of yesterday's date. This is the actual state of affairs in the countryside;

and how many of us keep information unless we go and see these things personally? Therefore, I feel that if Government is not in a position to take the responsibility of supplies to the people, there is no point at all to take this risk of spending Rs. 50,000 to purchase paddy and rice and other foodstuffs, etc., with the intent of supplying to the people and doing away with the middlemen.

Now, Sir, the other day in the course of the debate it was stated, and very aptly stated, that it is not possible for the Government to do away with the real businessmen. I quite endorse that opinion. We have noticed in the countryside that Government by their control system and with the help of their satellites has created a class of people who have just formed a new class of traders and these traders get supplies at the controlled rate. While they make a show of giving supplies to the people these traders distribute, say, some bags of sugar or rice and as regards the rest I definitely know that they sell it at a high price in the market. This is also going on even today. We can get supplies at a very high rate from the Government officers, because when people find that it is impossible to get supplies, they are prepared to pay any price. It is possible only for men of means and not for the masses. This Government always professed to shed tears for the masses. I say they are only crocodile tears! In actual practice we notice that they did very little for them. We have experience on that score. I would like to know what the Government has got to say in reply to this debate. Government, I notice, have not yet made up their mind. It is difficult to give a proper definition of Government as stated by Mr. Nagendra Nath Sen. We do not know who really constitute Government—whether the Ministers are the Government, or the permanent officials are the Government, or other satellites.

Sir, instead of finishing the debate we hear Government have not made up their mind and that this debate will continue. Our Chief Whip Dr. Sanyal wanted an assurance from the Chief Minister. Of course the Chief Minister is always ready to give assurances. For example, he assured the other day that *status quo* would be maintained, but we find that in actual practice that is not being maintained. Today we notice that rice is being allowed to be shifted from one district to another without permit. I say, Sir, that this permit system is very ruinous. It is known to everybody that Government officers are rotten to the core. There have been increased bribery and corruption amongst them. We knew so long that only the court officials and police were hopelessly corrupt, but under the present Government I notice that every one of them, and particularly those who are connected with any precautionary or war measure, and especially the Supply Department, every one of them is corrupt. Almost every one of them has got a big bank balance! This is a ridiculous state of affairs which every civilised Government should condemn.

Now, Sir, my time is up, and I will finish my speech by saying that the Chief Minister, who is not here now should give an assurance on behalf of Government that *status quo* will be maintained. But why has this not been done as yet? It has been stated that time is being taken, because

Mr. Pinnell has gone to Delhi. This matter has got nothing to do with the Delhi Conference. Bengal has been declared a deficit province, and it will be the duty of this Conference to find supplies to Bengal and they have nothing to do with the internal administration of our province. Therefore, Sir, the argument that has been put forward in support of delay in this matter is not at all tenable.

Sir, this is high time that we should give a warning to Government that if they do not rise equal to the occasion and take immediate steps and do away with this sort of control and purchasing and allow normal state of affairs to come back, I think there will be no end of difficulty. Everywhere there will be food riots not at a very distant date and Government, as we know, will head for a crisis. With these words I resume my seat.

Mr. J. N. GUPTA: Mr. Chairman, much has been said on this question for the last few days. I do not want to take much time of the House over this problem. I shall only make a few observations as to what Government should have done in this matter and what they should do in this matter, and I shall deal with this question from that point of view. On a study of the scheme that has been followed in Great Britain at the present moment, it seems that the present Government has followed that scheme only partially and not fully. It is a great pity that the Government is not solely dependent on people's co-operation in this matter. On the other hand, even if the people wanted to co-operate in this matter to decide their own destiny, the Government machinery would not approve of it and that is the cause of the failure. It has not only created too many odds, but it has encouraged corruption, bribery, profiteering and black marketing. In England after the war they have adopted schemes to grow more food in their own country and to stop outside supplies; whereas in our own country we find that lots of money were spent in the Agriculture Department, schools and colleges opened and Inspectors and all sorts of men appointed. I do not know what is the result of this expenditure by Government. During the last ten years this province has been suffering from various disabilities. There are numerous cases of no production and less production. This has caused suffering not only to the cultivators but to the middle class as well. But the Agricultural Department with the band of so many officers and workers have done absolutely nothing, though they were maintained at so much cost to the tax-payer.

Then, Sir, the scheme that has been followed by Government to control foodstuffs and other necessaries of life has given sufficient grounds for complaint because those who had deliberately for the sake of profiteering violated the order of the Controller have not been adequately punished. If you look into what is happening in Great Britain, you will find that a man who violates the orders is punished with a fine of £100 *plus* three times the value of the goods sold, whereas here you will find that a man who acts against the Government order is fined only Rs. 100. If the man makes a profit of Rs. 1,000, what does he care about spending Rs. 100 or Rs. 200? There is a balance of Rs. 800 net to his credit.

Then, Sir, I can multiply instances regarding the control in the district and mufassal places. District Supply Officers have been appointed with power to control the whole affair. I know a case where students of schools and colleges who wanted to prepare themselves for the annual examination could not do so for want of kerosene oil. I led a deputation with the prominent members of the Senahati village in the district of Khulna, containing a population of 5,000 people, to the District Supply Officer, Khulna, and placed before him the case of the students. He gave a patient hearing no doubt, but he said that he would give a reply after four days. The fourth day passed and yet no reply was forthcoming. Then I went again to his office and told him that his date had expired. He said, "I will send you a reply tomorrow or the day after." Then again I saw him on the 30th of the month. At that time I was shown the office copy of a letter, dated the 27th, in which the traders' names and the quantities sanctioned were mentioned. There was also the suggestion that it should be distributed among the people equally. Then I pointed out to him that he had issued that letter, but that there was no mention as to how to control them. Then he replied that he had issued instructions and that if they did not carry out his orders, he would cancel their licence. It is surprising to see that no letter was issued. I wrote to Professor Ananta Kumar Sen and said that such and such a thing had happened. After a month that gentleman went and saw the District Supply Officer and complained to him that up to that time he had not received that letter. Then the office copy was shown to him. He at once requested the District Supply Officer to give a copy of the letter that was issued to him, but was not received by him. Unfortunately that request was not complied with. The consequence is that those traders who were so long earning a good profit were still doing so. They were selling the oil at Rs. 10 (which they had purchased at Rs. 5-8) quietly without anybody taking any notice of it. If a man went to their shop in the day, they said, "We have no oil." On the other hand, during the night time, they sell at 8 annas per bottle and sometimes even at Re. 1. This is what was going on, and it is causing additional burden to the tax-payer. So, I would request the Government that if they want to do anything tangible, they should follow the scheme which has been well tried in other places and found successful in its entirety. With these few words, I resume my seat.

Maulana MUHAMMAD ABDUL AZIZ : মাননীয় সভাপতি মহোদয়! বাংলার সর্ব্বসাধারণের খাদ্যসমস্যা এবং অন্যান্য নিত্যব্যবহার্য্য অত্যাবশ্যক জিনিষপত্রের অভাব-অভিযোগ সম্বন্ধে কিছু বলিতে চাই।

খাদ্যের অভাবের সম্বন্ধে বলিতে যাইয়া আমাকে সর্ব্বপ্রথমে এই বলিতে হয় যে দেশে যে পরিমাণ খাদ্যের প্রয়োজন সেই পরিমাণ খাদ্যের উৎপাদনের ব্যবস্থা নাই। শুধু কাগজে কলমে চীৎকার ব্যতীত বাস্তব ক্ষেত্রে উৎপাদনের মাত্রা বাড়াইবার কোন চেষ্টা পরিলক্ষিত হয় না। আমার মতে খাদ্য শস্য বাড়াইবার ৪টী পন্থা আছে :—

(১) পাটের চাষ বিশেষভাবে কমাইয়া ধান চাষের জমির পরিমাণ বৃদ্ধি করা।

(২) জমির উর্ব্বরতা বৃদ্ধি পাইয়া যাহাতে বেশী ধান উৎপন্ন হয় তাহার উপায় নির্দ্ধারণ করা।

(৩) বাংলার পতিত বিল ও নিম্ন জমি হইতে জল নিকাশের পথ করিয়া সেগুলি ধান-চাষের উপযোগী করা।

(৪) যে সব ধান জমি কচুরিপানায় নষ্ট করে সেগুলি যাহাতে বৎসর বৎসর নষ্ট হইতে না পারে সেই ব্যবস্থা করা।

আমি উদাহরণ স্বরূপ বলিতে পারি যে আমাদের অঞ্চলে একটা বহু বিস্তৃত নিম্ন জমি আছে যাকে দোপাখর বলে; সেই জমির পরিমাণ এত বেশী যে এই পরগণায় এই জমিতে যদি ভাল রকম ধান হয় তাহলে সেই ধানে বহু সংখ্যক লোকের চলিতে পারে। আমার বিশ্বাস যে বরিশালেও ঐ রকম নিম্ন জমি আছে। তবে বরিশালে ধানের আমদানী আছে বলিয়া বরিশালের ভায়েরা সে সম্বন্ধে মাথা ঘামাতে না পারেন। আমাদের ঢাকায়, বিশেষতঃ নারায়ণগঞ্জ অঞ্চলে ধানের বিশেষ অভাব, চাউলের বিশেষ অভাব; তাই আমি একথা বিশেষ করিয়া বলিতেছি। যখন এই অভাব বরিশালে হইবে তখন বরিশালের মেম্বরদের মাথায়ও এই রকম ফন্দী যাইবে। (A VOICE: বরিশালেতেও অভাব।)

আমি তাই বল্‌চি যে যদি নিম্নভূমির মধ্য থেকে খাল কাটিয়া নদী পর্য্যন্ত বাহির করিয়া দেওয়া হয় তাহলে লক্ষ লক্ষ লোকের সেখানে অন্ন সংস্থান হইতে পারে। এই ভাবে কোন কোন জায়গায় দেখা যায় যে কতকগুলি বিল পতিত রয়েছে, সেগুলি কোন কাজে লাগে না। এই বিলগুলি থেকে খাল কাটাইয়া যদি জল-নিকাশের পথ করিয়া দেওয়া যায় তাহলে সেগুলিতে ভাল ধান হইতে পারে এবং আমাদের অন্ন-সমস্যার ব্যবস্থা হইতে পারে। বড় দুঃখের কথা যে বাংলা সুজলা সুফলা শস্যশ্যামলা নামে অভিহিত ছিল সেই বাংলায় আজ অন্ন সমস্যা উপস্থিত। যে দিন কবি এই কথা লিখিয়াছিলেন তখন তিনি একথা চিন্তা করেন নি যে বাংলায় এমন দিন আস্‌বে যে দিন অন্ন পাবে না। আজ আমাদের দেশে খাদ্যের অভাব অবর্ণনীয়। গভর্ণমেণ্ট price control ক'রলে পর দেখা গেল আমাদের অঞ্চলে কোথাও ধান মিলিতেছে না। চতুর্দ্দিক থেকে ১০।১২ মাইল দূর থেকে আগত লোক, জমা করার পর সেখানে ধান বিতরণ করা হয়। ধান পাওয়ার জন্য কত লোক মারামারি করিয়াছে, লোকের কত কষ্ট হইয়াছে তাহার ইয়ত্তা নাই। আর এই-ভাবে বহু দূরস্থান হইতে আসিয়াও লোক মাত্র ২।।০ সের কি ৫ সের চাউল পায়। অনেকে আবার তাও পায় না। আজ জেলার অবস্থা ত এই, বিশেষতঃ নরসিংদী অঞ্চলের অবস্থা একেবারেই খারাপ। যা দেখা যায় তাহাতে এই দুর্দ্দিনে যে কি হইবে সে কথা কেহ বলিতে পারে না। এবারের দুর্দ্দিনে গত বারের চেয়ে দ্বিগুণ, চারিগুণ, ছয়গুণ, দশগুণ হইয়া দাঁড়াইতে পারে। কারণ এবার আমাদের দেশে অনাবৃষ্টির দরুণ ধানের আমদানী অতি কম হইয়াছে; যে ধান হয় তাহার $\frac{১}{৪}$ অংশ হইয়াছে। কাজেই যদি গভর্ণমেণ্ট এ সম্বন্ধে কোন উপায় না করেন আর আমাদের আলোচনা যদি কথায় পর্য্যবসিত হয়, যদি ব্যবস্থাপক সভায় দাঁড়াইয়া বক্তৃতা দিয়াই কার্য্য শেষ হয় এবং মন্ত্রীমণ্ডলী কেবল কথাই শুনিয়া যান তাহা হইলে আমাদিগের কি লাভ হইবে বুঝিতে পারি না। না খাইয়া লোক থাকিতে পারিবে না। যখন না পাইবে তখন কি খাইবে? যদি খাইবার জিনিস না পায় তাহা হইলে মানুষ মানুষকে ধরিয়া খাইবে। আজ ফাল্গুন মাসেই এই অবস্থা, যখন চৈত্র বৈশাখ মাস দেখা দিবে তখন কি হইবে? নওগাঁ হইতে লুটের খবর শুনিলাম। রাজসাহীতে লোক খাইতে না পাওয়ার জন্য ঐ রকম ভাব হইয়াছে। গভর্ণমেণ্টও কোন সংস্থান করেন নাই। গভর্ণমেণ্ট এক পায়ের উপর আর এক পা উঠিয়ে বেশ চেয়ে আছেন। যারা লুটপাট করিবার জন্য গিয়াছিল তাহাদের পেট ত পুলিসের গুলির ভয় করে না। শুনিলাম পুলিশ সেখানে shooting করিয়াছে। নওগাঁয় এই অবস্থা হইয়াছে,

অন্যত্রও হইতে পারে। তাই বলিতেছি যদি গভর্ণমেণ্ট যথেষ্ট ধান চালের সংস্থান না করিতে পারেন একটা rationing করিয়া দিন, যেমন সৈন্যদের মধ্যে ব্যবস্থা করা হয়। দেশের ভিতর যা খাদ্য আছে তা একটা rationing করিয়া দিন যে তাহার বেশী কেহ পাইবে না। আর আগামী ফসল যাহাতে বেশী হয় তাহার চেষ্টা করুন। তা যদি না করেন তাহলে আমরা যাহাই করি না কেন এমন দুরবস্থা আসিয়া দাঁড়াইবে যে দুরবস্থার কোন শেষ থাকিবে না, শাসনের নাম থাকিবে না এবং দেশের মধ্যে এমন একটা অনাচার আসিবে যে, সেই অনাচারের মূর্ত্তি কল্পনা করিতেও হৃৎকম্প উপস্থিত হয়। এই জন্য গভর্ণমেণ্টকে বার বার অবহিত হইতে অনুরোধ করি। কেরোসিন সম্বন্ধে যা হইয়া গেল জানেন। গভর্ণমেণ্ট ভাল রকম কন্‌ট্রোল করিলে এরূপ হইত না। কেরোসিনের জন্য লোক বোতল লইয়া যাইবার পরেও গিয়া বসিয়া থাকিবে। বলে "বসে থাক, ৩টায় খুলবে"। ৫ মাইল ১০ মাইল দূর থেকে লোক বোতল লইয়া আসে; ৩টার আগে দোকান খুলিবে না; ১ হাজার দেড় হাজার লোক জমা হইয়া মারামারি লাগায় এবং আমি শুনিয়াছি এইভাবে ৩ জন লোক মারা গিয়াছে। আর পুলিশ আছে মারিবার জন্য। আমাদের দেশে এমন অবস্থা হইয়াছে যে বোতল ভাঙ্গিয়া গিয়াছে, মাথা, বুক, পা কাটিয়া গিয়াছে। এই যদি ব্যবস্থা হয় তাহা হইলে কোন লাভ হইল না। তাই বলি গভর্ণমেণ্ট যদি দরিদ্রদের নিস্তার দিতে চান, শান্তি দিতে চান, তবে একটু অনুগ্রহ করিয়া মনোযোগী হইয়া অগ্রসর হউন এবং এগুলি সম্পূর্ণভাবে হাতে নিয়া নিন এবং তাঁহারা নিজেরা ব্যবস্থা করুন। B. O. C. কোম্পানীর কেরোসিন তেলের টিনের দাম ৪৷৷০ বা ৫৲ টাকা। কিন্তু তাতে দিবে না; ১০৲ টাকার কমে দিবে না। তারা বলে ৪০ হাজার টাকা দিয়েছি War Fundএ; কাজেই ১০৲ টাকায় বিক্রী করিতে হইবে। কোম্পানী ৪০ হাজার ৫০ হাজার টাকা দিয়েছে কাজেই লোককে ১০৲ টাকার কমে দেবে না। এ কি রকম ব্যাপার? এই অমানুষিকতা দেখানর জন্য গভর্ণমেণ্ট বিদ্রূপের পাত্র হইয়া উঠিয়াছেন। কাজেই আমি বলি গভর্ণমেণ্ট এখন অবহিত হউন যাহাতে এ রকম আর না ঘটে, মানুষ বাঁচিতে পারে এবং গভর্ণমেণ্টের দুর্নাম দূর হয়। আর যদি তৈয়ার না হন্ এবং যদি হট্টগোল লাগিয়া যায় তাহা হইলে আর কিছু করা চলিবে না। দেশে শান্তির জন্য পুলিশ বাড়াইয়া বাড়াইয়া এত বড় হইয়াছে যে যত খরচ সব ঐ দিকে এবং এই বাজেটে এই War Budgetএ দেড় কোটি টাকা ঘাটতি। তাই বলি আর পুলিশের খরচ বাড়াইও না। শেষে যখন আগুন লাগিবে তখন হাজার হাজার পুলিশ কিছুই করিতে পারিবে না, পুলিশ শান্তি দিতে পারিবে না। যে পর্য্যন্ত লোকের পেটে শান্তি না হয় সে পর্য্যন্ত আইনে কিছুই করিতে পারিবে না। যে যতই বক্তৃতা করুক, যতই consolation দিক্, শত সান্ত্বনায় কিছুই হয় না। আমাদের উপবাসে থাকা অভ্যাস নাই। এত টাকা পাই এবং অনেকেই সুখে আছি। ইহাতে আমরা কি করিয়া অভাব বুঝিব?

Mr. ABDUL WAHAB KHAN: Mr. Chairman, Sir, now it is admitted on all hands that Bengal is a deficit province. One of the Hon'ble Ministers replied in the other House that even this year the crop was deficit; even in the year before, although there was good crop, there was deficit. Here I have got a statement in my hand which also shows that even the year 1941-42 was a deficit year and the requirement was calculated on the basis of half a seer of rice per head per diem, or 4½ maunds per head per annum. Now, Sir, an ordinary cultivator, as is well known to members of the House, has to take three full meals: when he goes to work he has to take full meal, and after the hard work he has to take another meal, and another at

night, after the day's work. You can well understand that half a seer per head per diem is extremely inadequate for his meals. If that was the basis in 1941-42, I do not know what was the basis of calculation of Government in the last year.

Sir, we want the Government to place all the facts before the House, the calculation on the basis of which each district was declared either deficit or surplus. We also want to know what was the export during the last two months before the embargo or the prohibitory orders were placed on certain districts. It is well known, Sir, that by the time the embargo was placed large quantities of rice and paddy had already been exported during two months after the harvest leaving a margin quite inadequate for the supply for the people. It is well known also how this rice was exported. The Government of India purchased enormous quantities of rice and paddy through their agents and I believe the Government of Bengal also purchased through their agents, and as a result the supply has fallen short.

Even in the so-called surplus districts—I can say of my district of Bakarganj—before the embargo was placed a large quantity of rice had already been exported and from our experience of the last year we have found that although there was a good crop in the last year, rice was scarce in the market in Barisal town and even in mofussal bazars. Now, Sir, it can be easily imagined what miserable condition the people would come to, if this embargo is lifted at this time and the drain of rice is allowed to be continued as before. My considered opinion is this: if the Government wants to take the responsibility and if we fix the responsibility on the Government to meet the needs of deficit districts, the embargo should not be lifted. If this is not done, we cannot hold the Government responsible for meeting the requirements of deficit districts. In one breath to ask the Government to supply the deficit districts at the time of scarcity with rice and in the same breath to ask the Government to lift the embargo from some of the districts is, I submit, inconsistent. So, I think that the embargo should not be lifted now. If it is lifted and if it is left to the free trade it would be impossible to fix the responsibility on Government. From our experience of last year we have seen that as soon as these dealers were given free scope, rice inevitably went underground. We have also seen in the countryside and in the town that the dealers have got bogus transactions for sale as well as purchase and bogus accounts therefor. They sell and purchase in *benami*. So it would be very difficult for the Government to check the nefarious activities of the dealers or to find rice for deficit districts at a time when rice would be scarce.

Dr. NALINAKSHA SANYAL: Mr. Chairman, may I through you enquire of the honourable member if he is referring to any intended policy of the Government when he says about lifting of the embargo, because so far the embargo is there, and this morning's newspaper report is misleading. It is only publishing one part of the Government policy; the other part is not stated.

Mr. ABDUL WAHAB KHAN: What I hold is this. I ask honourable members to consider whether this embargo, although it has been placed late, should be lifted now, and as Dr. Sanyal was pressing for free trade—— (Dr. NALINAKSHA SANYAL: No, I have never pressed for that. I want hundred per cent. control.) I definitely remember that some of the members seem to think and also said that free trade will be very successful.

My opinion is this. If we once let loose free trade, this rice or paddy is sure to go underground and there will be *benami* sales and *benami* purchases and we do not know where we shall come to. So if we want to hold Government responsible at all we should ask Government to continue the embargo policy and not to lift it as has been suggested by some of the members.

Dr. NALINAKSHA SANYAL: What about price control?

Mr. ABDUL WAHAB KHAN: I for myself would like that both minimum and maximum prices should be fixed for the control of prices and hoarding should be penalised as it has already been promulgated by an Ordinance and it should be done effectively by more stringent measures than have hitherto been done. The measures that were adopted last year were quite inadequate to check the dishonesty of the dealers.

Now, Sir, as regards the apprehended rice famine, I submit that it is bound to come. The present position is that the districts are surplus or deficit only relatively. If proper statistics are taken, it will be seen that all the districts are deficit. Government should take early steps, as Maulana Sahib has said to prevent this calamity coming upon Bengal.

As regards purchase, I submit that purchase should be made through co-operative agencies and not through a particular set of favourites, contractors or merchants. (At this stage the member reached his time-limit but was allowed to continue for one minute more by Mr. Chairman—Mr. Hendry). These co-operative societies cannot have any spirit of profiteering but a particular contractor may want to profiteer at the cost of poor people.

As regards kerosene, Sir, I want to say one word, but as my time is up, I finish by confining my remarks to rice. I agree that rationing of rice should be introduced from now on as suggested by Maulana Sahib and some other honourable members. In our town of Barisal we have started a co-operative agency and we have started rationing of rice. What I want to submit, Sir, is that Government should try to establish at least one co-operative sale and supply society at each district headquarters if not more in other subdivisional headquarters, and if possible in every union of the Province, with a view to self-sufficiency, and these co-operative sale and supply societies should be the agency for purchasing rice and storing it and for supplying it to the people of the district at cheaper rates, when there would be dearth of rice and if necessary Government can make necessary arrangements with these societies for store and, if necessary, can take the surplus rice, if any, from them.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. PATIRAM ROY: Mr. Deputy Speaker, Sir, আজ বাংলায় যতগুলি সমস্যা দেখা দিয়েছে তার মধ্যে অন্নবস্ত্রের সমস্যাই সব চেয়ে ওপরে দাঁড়িয়েছে। বাংলার সর্ব্ব-প্রধান ফসলের সময় মাঘ ফাল্গুন মাস আজ সেই মাঘ ফাল্গুন মাসেই যদি এই অবস্থা হয় তাহলে এর পরে কি অবস্থা হবে তা ভাব্‌লে অবাক্ হয়ে যেতে হয়। আজ বাংলার লোকের যে দুরবস্থা উপস্থিত হয়েছে তাতে অন্য কোন বিষয় চিন্তা করবার সময় তাঁদের থাকতে পারে না। মানুষ যখন তার নিজের অন্ন চিন্তায় ব্যতিব্যস্ত হয় তখন সে মানুষের রাজনীতি, ধর্ম্মনীতি কোন নীতির কথাই মনে থাকে না। এই অন্নবস্ত্র সমস্যার সমাধানের জন্য আমাদের গভর্ণমেণ্ট, একেবারেই যে কিছু করেন নাই সে কথা বলা যায় না। তবে গভর্ণমেণ্ট যে ব্যবস্থা ক'রেছে তাতে সত্যই যারা অন্নবস্ত্রের সঙ্কটে প'ড়েছে তারা তত উপকৃত হউক, আর না হউক যাদের সঙ্কট কম তারাই উপকৃত হ'য়েছে। আজ এই সমস্যা দূর করার জন্য বাংলা গভর্ণমেণ্ট, কেন্দ্রীয় গভর্ণমেণ্ট সকলেই একবাক্যে প্রচার করছেন যে বাংলাদেশে খাদ্যদ্রব্য বহুল পরিমাণে উৎপাদন করা আবশ্যক। এই জন্য বাংলায় "Grow More Food Campaign" আরম্ভ হয়েছে। কিন্তু বাংলাদেশে এই "Grow More Food Campaign" একটা প্রহসন ছাড়া আর কিছুই হচ্ছে না। কালেক্টারের বাংলার পাশে, ডাকবাংলার পাশে, কোন Government officerএর বাংলার পাশে, সংরক্ষিত মাঠে একটু আধটু আলু, কপি ইত্যাদির চাষ ক'রে Propaganda ক'রে দর্শকদের দেখান হচ্ছে—আমরা কি ভাবে "Grow More Food Campaign" চালাচ্ছি। এর দ্বারা প্রচারের সুবিধা হতে পারে কিন্তু foodএর সুবিধা হবে না। এইভাবে লোক দেখান প্রচার কার্য্য যা কেবল কাগজপত্রেই সীমাবদ্ধ তা না করে যদি সত্য সত্যই বাংলায় more food grow করার চেষ্টা হ'ত তাহলে বাংলার এতটা দুরবস্থা হ'ত না। আজ আমরা Rangoon চলে গেছে বলে হাত পা ছেড়ে দিয়েছি। যে বাংলাদেশ নিজের দেশে ফসল উৎপাদন ক'রে নিজেদের খাইয়েছে এবং অন্যদেশে পাঠিয়েছে আজ সেই সুজলা সুফলা বাংলাদেশে, Rangoon থেকে চাল আসে না বলে, অন্য দেশ থেকে জিনিষপত্র আসে না বলে এমন দুরবস্থা উপস্থিত হয়েছে। বাংলার হাজার হাজার বিঘা জমি জল সেচের এবং জল নিকাশের অভাবে পড়ে আছে। সেই জমিগুলি চাষ করলে বহুল পরিমাণে খাদ্য দ্রব্য উৎপাদন করা যায়। এতদ্ব্যতীত সুন্দরবন অঞ্চলে হাজার হাজার বিঘা ধানী জমির ফসল বাঁধ ভেঙ্গে লোনা জলে নষ্ট হয়ে যায়। গভর্ণমেণ্ট যদি চেষ্টা ক'রে এইসব বাঁধ সংস্কার ক'রে, এই সব জমিতে ধান চাষের ব্যবস্থা কর্‌তেন তাহ'লে Rangoonএর দিকে চাউলের জন্য তাকাতে হ'ত না। যদি সুন্দরবন অঞ্চলের হাজার হাজার বিঘা ধান জমি বাঁধ দিয়ে রক্ষা করে চাষের ব্যবস্থা করা যায় তাহলে হয়ত দেখা যাবে যে এখান হতেই সমস্ত বাংলার প্রয়োজনীয় ধান-চাউল সরবরাহ হবে। মধু বাঙালীর অন্যতম প্রধান খাদ্য। এই সুন্দরবন থেকে যে মধু আনা হ'ত তাও আনা একেবারে বন্ধ করে দেওয়া হয়েছে। বাংলার উৎপন্ন খাদ্য এবং যে খাদ্য আহরণ করা যায় তা বন্ধ ক'রে দিয়ে যদি বলা হয় "Grow More Food" তাহলে ব্যবস্থা করা হয়, "গাছের শিকড় কেটে মাথায় জল ঢালার মত"। পত্রিকায় Grow More Foodএর চেষ্টা না ক'রে বাস্তব ক্ষেত্রে চেষ্টা আবশ্যক।

Dr. SANAULLAH: Mr. Chairman, Sir, I rise simply to make a few suggestions. The Hon'ble Chief Minister has already informed the House that the granary of Burma is practically closed to us. My humble suggestion is this: a considerable quantity of paddy could even now be obtained from certain parts of the Akyab district. I mean Maungdaw and Buthidaung townships which are at present occupied by the allied forces.

There is, however, one difficulty and that is of transport. But if some arrangement could be made with the military authorities, I think the matter would be quite a simple one as the military trucks and lorries day and night ceaselessly go all this way carrying arms and ammunitions and in their return journey they come practically empty. In this totalitarian war and humanitarian work if the military authorities do not support the civil population by whatever means they can, I think it would be very unfortunate state of affairs for all concerned. I have already suggested to the District Magistrate of Chittagong to come to some sort of arrangement with the military authorities. I am told for all practical purposes during the last year there was cultivation of paddy and before the harvest could be reaped there was an incursion of the Mughs and the cultivators had to flee for their lives and were compelled to take shelter in the evacuee camps of Chittagong. Time is a very important factor in this matter and if the rainy season sets in it would be practically impossible to bring in paddy from this side of Burma. My second suggestion is this. There are at present under consideration of the Government good many minor schemes of irrigation and drainage for the whole of Bengal and if by setting aside the official red-tapism—we all know the machinery of Government is proverbially slow and even in the matter of tracing a file now-a-days they have a good reason to offer because they have got offices at Rajshahi and other places and therefore they cannot do it speedily—the works of these minor irrigation and drainage schemes could be given effect to, I think a good quantity of land would be available for cultivation all over Bengal In my district I think there would be a considerable quantity of such reclaimable lands. There are many such schemes also pending before the various District Boards of Bengal the execution of which should be expedited There is also a third suggestion that is my humble appeal for diversion of moneys earmarked for tube-wells to excavation and re-excavation of reserved tanks on the banks of which food also could be easily grown. This is of course all about producing food. On the other hand, whatever quantity is available I think there should be an equitable distribution and this distribution should be on the basis of each union which maintains a detailed register of each family living therein. Thus each union should be made self-sufficient in respect of its food-supply; otherwise there would be double expenditure in transportation. Once you bring foodstuffs from Chittagong to Calcutta and then if there is a shortage there you send them back to Chittagong. In that way there would be transport difficulties also. Therefore I suggest that each union should be made self-sufficient in respect of food grains and if the Government of India for military purposes require any food grain, they should take the people into their confidence and I hope the people will co-operate with them. If, however, in a surreptitious way they also purchase paddy and rice for export, they would at once lose the sympathy of the people of the land. Food problem is the problem of all problems and each and every individual is concerned with it. If food riots and indiscriminate lootings start, in the long run it will impede and hamper the war effort. Hoarding is not permissible according to the Islamic

the District Magistrate about it and supplied him with a fatwa (legal opinion). Hoarding is not permissible according to the Islamic Shariat especially when it causes hardship to the people in general and it also applies to cattle fodder. No true Muslim can hoard just for the sake of artificially raising the price. So, public opinion will whole-heartedly co-operate with the Government measures for bringing to book black markets and penalising the hoarders. Here the difficulty is this that sometimes the remedy becomes worse than the disease itself. I, therefore, earnestly appeal to the Government to see in respect of the officers who would be appointed for this purpose that honesty should be their first criterion, honesty first, honesty second and honesty always. That should be the motto. Efficiency should come next. Sometimes they give too much importance to the question of efficiency and to those who come and artificially exhibit that they are too intelligent and to those who are shrewd and cunning. But we know the contrary as a matter of fact from police and other administrations. So, in this life-and-death question we appeal to the Government to look to the absolute integrity and honesty of officers who may be employed. In the A. R. P. organisation, the Civic Guard organisation and other organisations that have grown up during the war we find that indiscriminately people have been taken in and when we talk to them *in cognito* we find out what they are actually doing. That type of men should not be recruited in this department because the very purpose would be frustrated. They will give more to the favoured few and the dumb millions will suffer because they are not vocal and because they cannot give expression to their grievances. We have seen that in the case of kerosene which was supplied generously only to the privileged classes. These people were given one or two tins and often more and the poor labourers and cultivators had to wait for a whole day and ultimately had to go back disappointed. In many places there had been riotings and breaking of heads and in spite of all that they could not get kerosene.

I have another suggestion to make and that is this. The Hon'ble Minister in charge of Civil Supplies Department has replied in answer to my question that people are told to use more freely *garjan* oil. So I earnestly appeal to the Hon'ble Minister in charge of the Forest Department to make that *garjan* oil tax and duty free. People generally do not mind paying the small amount of duty but the fact is that Forest Department employees demand double and sometimes treble the amount of the actual tax as gratification and bribe. In the present position of the province due to want of kerosene oil I think it would be doing the public a great good if the Hon'ble Minister would forthwith make the *garjan* oil duty free and allow free distribution of that oil to poor people.

Adjournment.

The House was adjourned at 6-45 p.m. till 3-45 p.m. on Friday, the 26th February, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 26th February, 1943, at 3-45 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 6 Hon'ble Ministers and 179 members.

Hours of closing.

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, before the business is proceeded with may we enquire up to what time you would sit today, because we were surprised yesterday. We were tricked by the gentleman in the Chair by a sudden closure when there were many persons to speak.

Mr. DEPUTY SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: I say that the person sitting in the Chair has got power to adjourn the House at any moment. We would like to know in advance up to what time we are going to sit today, because yesterday we were surprised. The gentleman then in the Chair suddenly closed and adjourned the House when there were many persons ready here to speak. Ordinarily we go up to 7—even later than that, but yesterday it was closed at 6-40 before the second prayer adjournment. That is why we want to know before we proceed with the business up to what time we are sitting.

Mr. DEPUTY SPEAKER: Dr. Sanyal, the expression you have used is not parliamentary. You ought not to have said, "The gentleman who was then in the Chair"—you have said, and I think I heard you correctly, "tricked you."

Dr. NALINAKSHA SANYAL: I have said, "The gentleman who was then in the Chair." Of course I said, "He tricked us."

Mr. DEPUTY SPEAKER: That is not fair. I do not know what was the reason for the Chair to adjourn the House early, but my report is that the House was very thin.

Dr. NALINAKSHA SANYAL: But there was quorum.

Mr. DEPUTY SPEAKER: I cannot explain his conduct for what he did.

Dr. NALINAKSHA SANYAL: That is why we are not raising his conduct at all. That would be on an appropriate motion. So far as today is concerned we want to know in advance how long we are to sit.

Mr. A. F. STARK: On a point of order. Was there not an agreement between the party leaders that we should adjourn at 6-45? Normally the hour of the adjournment would be 6-45.

Dr. NALINAKSHA SANYAL: My leader has just now said that he knows nothing about it.

Mr. DEPUTY SPEAKER: My office also says that it was decided in consultation with the party leaders.

Dr. NALINAKSHA SANYAL: What about today? We want to know how long we would sit today.

Mr. DEPUTY SPEAKER: Let me see the course of business. Let us finish the questions first.

Dr. NALINAKSHA SANYAL: So you keep that indefinite.

Mr. DEPUTY SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: We want to know what is the usual hour we are sitting. We may have accordingly to arrange our programme.

Mr. DEPUTY SPEAKER: We generally sit by arrangement from 3-45 up to 6-45. We may continue up to 7. That was the partial arrangement with the Party Whips.

STARRED QUESTIONS

(to which oral answers were given)

Political security prisoners.

*66. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing—

(*a*) the total number of political security prisoners in Bengal as on the 31st December, 1942;

(*b*) the number of prisoners convicted in connection with the movement which began after the arrest of the Congress leaders; and

(*c*) the number of undertrial prisoners in connection with the same?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) 1,540.

(*b*) About 1,058.

(*c*) About 851.

Alleged ill-treatment of a security prisoner at police lock-up.

*67. **Sj. ASHUTOSH MALLICK:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Dwijendra Nath Das, at present a political security prisoner in the Presidency Jail, Calcutta, was arrested on the 9th of December, 1942, near the Victoria Institution, Calcutta;

(*ii*) whether he is a student of B.A. class in Ripon College, Calcutta, and son of Dr. J. N. Das, a medical practitioner in Taltola, Calcutta;

(*iii*) whether he was handcuffed and made to walk from Jorabagan police-station to Sukia Street police-station on the 10th and 15th of December, 1942;

(*iv*) whether he was kept in the police lock-up in Sukia Street police-station, Jorabagan police-station and Lalbazar police-station from the 10th to the 14th of December;

(*v*) whether permission was not given to have his food, clothes, and bedding from his home;

(*vi*) whether the meals were served in "shalpata";

(*vii*) whether he was not given glass for drinking water and he had to use his palm for the purpose; and

(*viii*) whether he was given only one old torn dirty blanket for bed and nothing else for the purpose?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether this is the usual treatment meted out to all persons in police *hajat*?

(*c*) If so, is the Hon'ble Minister considering the desirability of holding an enquiry into the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*), (*ii*) and (*vi*) Yes.

(*iii*) No.

(*v*) A change of clothes was allowed. No other request was made.

(*vi*) Yes, at Central lock-up, but in *thalas* at thana lock-ups. This is the usual practice.

(*vii*) He was given a tumbler.

(*viii*) He was supplied with one blanket as sanctioned by Government.

(*b*) He received usual treatment.

(*c*) No.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*viii*), where it is stated "he was supplied with one blanket as sanctioned by Government," the question is whether he was given only one old torn dirty blanket? Do I understand the Government to admit that he was given one old torn dirty blanket?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir. The answer implies that it was a blanket as sanctioned by Government, and not a torn dirty blanket.

Mr. P. BANERJI: With reference to answer (*a*)(*iii*) "No," will the Hon'ble Minister be pleased to state what is the source of his information?

The Hon'ble Mr. A. K. FAZLUL HUQ: A report was asked for and the answer was that he was not handcuffed.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House—as we understand from the trend of answers—whether this security prisoner was not at all first arrested under section 129 of the Defence of India Rules and when the police did not have any other clue against him he was detained as a security prisoner?

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards that suggestion I cannot say anything.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*)(*iii*) "No," if he is satisfied with the answer?

The Hon'ble Mr. A. K. FAZLUL HUQ: If my friend thinks that he has got materials to show that the information supplied to me is not correct, he will very kindly see me and give them to me in writing and I will hold an enquiry.

Mr. P. BANERJI: In that case may we take it that the Hon'ble Minister is prepared to make an enquiry instead of giving the reply "No"?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir. In view of the questions that are being put and the statement being challenged, I am prepared to hold an enquiry if my friend thinks it necessary, but he must give me some material.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House if it is not unusual for a security prisoner to be detained in the thana lock-up for five days?

Mr. DEPUTY SPEAKER: That is a matter of opinion.

Mr. CHARU CHANDRA ROY: Sir, my question is that security prisoners are generally arrested and sent to jail immediately after their arrest and they are classified there, but in this case we find that this security prisoner was detained in the thana lock-up for five days and this is quite unusual. My question is, is it not unusual?

The Hon'ble Mr. A. K. FAZLUL HUQ: Ordinarily, perhaps it does not occur. From that point of view it is not usual.

Babu MADHUSUDHAN SARKAR: Will the Hon'ble Minister be pleased to state whether these arrests were made in consultation with the Home Minister of this province?

The Hon'ble Mr. A. K. FAZLUL HUQ: Arrests are never made in consultation with the Minister.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please make an enquiry why this security prisoner was detained in the thana lock-up so long?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already said that on those points in which my friends think that the information supplied to me is not correct I shall be prepared to hold an enquiry provided some materials are given to me.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state under what provision of law was this gentleman—Dwijendra Nath Das—arrested at the first instance?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question. I take it as notice and will answer later on.

Mr. CHARU CHANDRA ROY: From the trend of the answers we get this fact that this young man was detained from the 10th to the 14th. Will the Hon'ble Minister please make an enquiry why he was detained for so long?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, I will make an enquiry.

Starred Question No. 68.

(When Starred Question No. 68 was called out.)

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as these answers are concerned, I find, Sir, on a reference to the whole file that the matter requires looking into and I would request you, Sir, to hold this over. If on the answers that have been given, any supplementary questions are suggested, I will also answer them. Sir, I would ask that this may be held over and I will give replies on consideration of the whole case.

Mr. JOGESH CHANDRA GUPTA: May I only ask for further information as to due to whose unfortunate mistake the answer was printed like that?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will answer that later.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state——

Mr. DEPUTY SPEAKER: Mr. Chaudhuri, the question at the Hon'ble Minister's request has been held over.

Dearness allowance to Government servants.

***69. Mr. PRATUL CHANDRA CANGULI:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether any steps have been taken to grant dearness allowance in proportion to the rise in the index of food and other essentials of life to the following:—

(1) Employees of the Government;

(2) Police;

(3) Jail Warders;

(4) Peons and orderlies in Government service; and

(5) Labourers working in the Factories under the direct control of the Government?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): Dearness allowance has been granted to all the classes of Government servants mentioned in items (1) to (5) whose pay

does not exceed certain limits. Details of these limits and of the rate of the allowance are to be found in paragraph 5 of the Foreword to the "Red Book" for 1943-44. The rate of the allowance is not proportionate to the rise in the cost of living index. What our dearness allowance scheme aims at is not to offset the rise in the cost of living but to ensure that the wages of no Government servant are demonstrably below subsistence level and that within Government's resources relief is granted where it is most needed.

Mr. JOGESH CHANDRA GUPTA: Having regard to the fact that many respectable persons are now under detention including members of this Legislature, will the Hon'ble Minister be pleased to consider the desirability of making these jail warders, police and other people connected with those security prisoners content, so that they may not be subjected to further indignities out of bad temper or want of proper clothing?

Mr. DEPUTY SPEAKER: Is it a question or a matter of opinion?

Mr. JOGESH CHANDRA GUPTA: "Desirability" is a question I submit, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, I will consider the desirability.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether members of the Legislature are included in the term "employees of Government"?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Communal Harmony Fund.

*70. **Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if any amount has been spent out of the money sanctioned for "Communal Harmony" in the budget for 1942-43?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the amount;
(*ii*) through what machinery the money has been spent;
(*iii*) the name or names of the individual or individuals through whom the money was spent; and
(*iv*) the amounts that have been spent in different districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No.

(*b*) Does not arise.

Mr. SYED ABDUL MAJID: With reference to answer (*a*), viz., "No," and the statement in the Red Book of the Budget of 1943-44, where it is stated "non-utilisation of all but Rs. 15,000 out of a provision of Rs. 1 lakh for the promotion of communal harmony," will the Hon'ble Minister be pleased to state which version is correct?

Dr. NALINAKSHA SANYAL: Both are correct.

The Hon'ble Mr. A. K. FAZLUL HUQ: The answer is, nothing has been spent.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether there is any true communal harmony in Bengal?

Mr. DEPUTY SPEAKER: That is no question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state why money was not spent at all?

The Hon'ble Mr. A. K. FAZLUL HUQ: Because no scheme was prepared.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether Government intends to spend any money out of that allotment during the current year?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have alerady made it clear that when the provision was made it was expected that steps will be taken to prepare a scheme in furtherance of which money would be spent. But unfortunately no scheme could be prepared and therefore no expenditure was made. We have now got a very modest scheme which, we hope, we will be able to finance and spend some money before the close of the financial year. That is the position now. Up till now that scheme has not been put into operation.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state what that scheme is?

The Hon'ble Mr. A. K. FAZLUL HUQ: That scheme is not complete now, but I propose to publish it as soon as it is completed. It is in draft now.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state how much will be spent on this new scheme which will be introduced very shortly?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult for me to say that at this stage.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state why this Rs. 15,000 has been reserved for expenditure on communal harmony out of Rs. 1 lakh?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is what I have been trying to explain. Rs. 1 lakh we could not spend for want of schemes, and we have now a modest scheme and in rough calculation we will be able to spend not more than Rs. 15,000. We have put it in a lump.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the scheme that has been prepared will be laid before the House for the approval of the members of this House?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know if I will be able to consult the House on the scheme, but certainly it will be published and a wider world than the House will know the scheme.

Grievances of Medical Licentiates.

*71. **Dr. ABDUL MOTALEB MALIK:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he received a deputation on behalf of the All-India Medical Licentiates' Association some time in July, 1942, when this Association placed before him a memorandum of various grievances of the Medical Licentiates in service of the Government and outside?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps, if any, have been taken to meet the points mentioned in the memorandum?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu): (*a*) Yes. A deputation from the All-India Medical Licentiates' Association was received by me on the 31st January, 1942.

(*b*) The various points raised by the deputation are under consideration of Government.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state why this consideration is being delayed?

The Hon'ble Mr. SANTOSH KUMAR BASU: The subjects which were discussed by the deputation were so varied in character and were of such far-reaching importance involving so many different interests that it does require some amount of time to arrive at a decision.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state the time by which the whole thing may be completed?

The Hon'ble Mr. SANTOSH KUMAR BASU: So far as I am concerned, I shall try to expedite the matter as much as possible, but it involves a reference to the various departments of Government and also to the Government of India.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the points urged by the deputation have been taken into consideration or they are awaiting consideration at a future date?

The Hon'ble Mr. SANTOSH KUMAR BASU: The answer has already been given that they are under consideration. These points are being examined and have been examined in broad-sheets and appropriate action taken.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether all the points raised by the deputation are under consideration or decision has been taken on any of the points?

The Hon'ble Mr. SANTOSH KUMAR BASU: Action has been taken on the proposal made at the conference, enquiries are being made and other departments concerned are being questioned about it.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the points for which a reference to the Government of India is needed?

The Hon'ble Mr. SANTOSH KUMAR BASU: The question which requires a reference to the Government of India is with regard to the abolition of the licentiate schools and conversion of these schools into colleges, the Government of India in the Department of Education, Health and Lands having laid down a certain policy which requires to be considered by this Government in consultation with the Government of India.

Payment of compensation to the people affected by Caria Evacuation Scheme

***73. Rai Sahib ANUKUL CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of villages recently acquired under Caria Evacuation Scheme in Sonarpur and Bhangore thanas, 24-Parganas; and

(*ii*) the amount of compensation paid to all the evacuees?

(*b*) Is it a fact that there is a large number of fisheries within the area?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any compensation has been paid to the fishery owners?

(*d*) If not, when they are likely to be paid?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Pramatha Nath Banerjee): (*a*) (*i*)—

7 villages in P.S. Tollygunge.

22 villages in P.S. Sonarpur.

6 villages in P.S. Bhangore.

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35 villages.

(*ii*) Rs.10,61,185 have already been paid to the evacuees for removal cost, replacement costs of *kutcha* huts and payments of rents for *pucca* buildings.

(*b*) Yes.

(*c*) Not yet. The question is under consideration.

(*d*) Basic standard rate to be adopted for the valuation of fisheries is being worked out. Payment is expected to be made as early as possible.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether it is a fact that the pucca ancestral building of Babu Hem Chandra Naskar was taken possession of by Government and whether any compensation was paid?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am not aware of that fact.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether any compensation was given for the superior rights of the fishery?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The honourable member is referred to the answer given to that question. The question is under consideration.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether any rent or something of the kind has been ever given to Babu Hem Chandra Naskar for the occupation of his pucca buliding?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am not aware of that.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state with reference to answer (*a*)(*ii*) what was the basic principle on which these compensations have been paid as removal cost, replacement cost of *kutcha* huts and payment of rents for pucca buildings?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The basic rates have already been gazetted and they involve a number of points. If my honourable friend desires to have a copy of the Gazette notification I shall be glad to supply him with it, but it is a very long document.

Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister be pleased to state what is the rate of compensation paid for *kutcha* huts and what is the rate for *pucca* buildings?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have already told my honourable friend, Maulvi Muhammad Israil, before the present interrogator put his question that the question of compensation has been worked out from the adoption of certain principles and those principles have been gazetted and notified in the Press. If my honourable friend desires a copy of the Gazette notification, I shall be glad to supply him with a copy.

Maulvi MAFIZUDDIN AHMED: I want to know the rate, Sir. Is it possible for the Hon'ble Minister to give it?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: There are so many different classes and so many points to be taken into consideration. But I am prepared to give my honourable friend a copy of the Gazette notification.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*)(*c*), the number of people who have been evacuated by this evacuation scheme?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The number is not with me now. But I would request my honourable friend not to press the question. My honourable friend knows the purposes for which evacuation is effected.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Recruitment in the office of the Registrar of Co-operative Societies, Bengal.

26. Mr. KAZI ABUL MASUD: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that 4 vacancies occurred recently in the Upper Grade in the office of Registrar, Co-operative Societies, Bengal?

(*b*) If so, will the Hon'ble Minister be pleased to state how these posts have been filled up?

(*c*) Is it a fact that in filling up the posts the question of communal ratio was not considered?

(*d*) Is it also a fact that in filling up the vacancies claims of Muslim candidates were superseded?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan): (*a*) No.

(*b*) to (*d*) Do not arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when the last vacancy was filled up?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: In the upper grade?

Mr. MIRZA ABDUL HAFIZ: Yes.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: One vacancy in the upper division or upper grade and two new appointments were filled up in November, 1941, that is, before the formation of the present Government.

Mr. KAZI ABUL MASUD: Will the Hon'ble Minister be pleased to state whether Assistant Registrars of Co-operative Societies were asked to nominate their Head Assistants with experience and education to fill up these posts?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I do not know that, but one thing I know. These three vacancies were filled up by promotion from officers in the lower grade.

Held-over questions.

Dr. NALINAKSHA SANYAL: With reference to questions relating to departments under the Hon'ble Nawab Bahadur of Dacca, they may be held over.

Mr. DEPUTY SPEAKER: Yes.

Mr. SYED ABDUL MAJID: May we know what is the number of questions held over and when can we expect them to be taken up? I suggest that these questions and answers may be printed together and circulated to members for their convenience.

Mr. DEPUTY SPEAKER: Possibly 15 or 16 questions are being held over. I give this assurance that they will be printed and circulated. I shall not allow this position to continue for long. Either on Monday or on Tuesday these will be taken up.

Mr. M. A. H. ISPAHANI: In view of the paper scarcity, may I request you to ask the Hon'ble Minister to avoid absence of this nature in future?

Khan Bahadur MOHAMMED ALI: May I also suggest that in the meantime questions to be answered by the Hon'ble Nawab Bahadur be not printed?

Dr. NALINAKSHA SANYAL: Or may be answered by somebody else who is more competent.

Point of Order.

Mr. H. S. SUHRAWARDY: On a point of order, Sir. In answer to a question, the Hon'ble Chief Minister was heard to say that the scheme would be placed before the public which is better informed or wiser than this House. I request that that statement of the Hon'ble Chief Minister may be expunged from the proceedings as it is an insult to this House. I ask you, Sir, as the guardian of the authority and prestige of the House, to do so.

Mr. DEPUTY SPEAKER: I shall look into that particular sentence and see what can be done.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I explain?

Dr. NALINAKSHA SANYAL: If the questions are moved, I shall have to ask for leave to move my adjournment motion.

Mr. DEPUTY SPEAKER: The questions are not yet over. We are now on the point of order raised by Mr. H. S. Suhrawardy.

The Hon'ble Mr. A. K. FAZLUL HUQ: I did not mean any insult to this House, when I said that the world outside is wider than the one inside the House. If my friend takes exception to that, I have no objection to that remark being expunged. What I meant was that it would be made public.

Dr. NALINAKSHA SANYAL: In this connection, Sir, may I submit that the whole matter be referred to the Privilege Committee, not merely the statements made by the Hon'ble Chief Minister and Mr. Suhrawardy but also those made by my other friends in the course of the budget discussions and that those statements which would appear to be indecorous or beneath the dignity of this House might, with the approval of the Privilege Committee, be expunged?

Mr. DEPUTY SPEAKER: I shall look into the proceedings. I have already ordered that the whole proceedings should be placed before me.

Dr. NALINAKSHA SANYAL: Sir, I suggest let the whole matter be referred to the Privilege Committee which may examine such of those words as would be considered indecorous.

Mr. DEPUTY SPEAKER: I have already said that I shall look into the proceedings and see what can be done.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Sir, may I have the leave of the House?

Mr. DEPUTY SPEAKER: Your motion is identical with the motion of Mr. Suhrawardy. So, you need not move it, but you will have a chance of speaking on it.

Mr. H. S. SUHRAWARDY: Sir, the motion is this, that the business of this Assembly be now adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation arising out of the misapplication of Ordinance II of 1942 by appointing Special Magistrates in cases not contemplated by the Ordinance.

Mr. DEPUTY SPEAKER: Is there any objection from the point of view of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, this adjournment motion was referred to yesterday, and it was for the first time that I got a copy of it today; I did not get it before, and even then I have not had time to go into the statement of facts.

Dr. NALINAKSHA SANYAL: Sir this reflects on the position of the office which sent the motion to the Hon'ble the Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: I mean no reflection on anybody, Sir. In view of the fact that this is not of much importance I am only introducing a statement that I am going to make. So far as the adjournment motion is concerned, as regards the stage which arises when we have to ascertain if the mover has got the leave of the House——

Mr. K. SHAHABUDDIN: Is the Hon'ble Minister making a statement, Sir?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am making a statement.

Mr. K. SHAHABUDDIN: On a point of order, Sir. Is the Hon'ble Minister entitled to make a statement at this stage or is entitled only to say whether he has any objection to the adjournment motion?

Mr. DEPUTY SPEAKER: Mr. Fazlul Huq, have you got any objection?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot understand why when a statement is being made, it should not be allowed to be made in full.

Mr. K. SHAHABUDDIN: Sir, it is not the time to make a statement, and I submit that at this stage the Hon'ble Minister is out of order to make the statement. He has got to say whether he is prepared to give his consent to the motion being moved.

Mr. DEPUTY SPEAKER: At this stage I want to ascertain the opinion of the House whether it gives leave to move this adjournment motion.

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. This motion which does not relate to any matter of recent occurrence cannot be taken up as an adjournment motion.

Mr. DEPUTY SPEAKER: I have already given my consent and have decided that it is in order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it has got to be seen whether the mover has got the leave of the House, and if that is so, I do not object.

Mr. DEPUTY SPEAKER: I take it that there is no objection but with regard to the date I think it will be better to fix 3rd March——

Dr. NALINAKSHA SANYAL: Sir, we have had enough of postponements and we do not want any further; we want to take it up today.

Mr. SYED BADRUDDUJA: On a point of order, Sir. You have got to put this question formally before the House to ascertain whether the House agrees to it or not.

(Cries of "No, no" from the Opposition benches.)

Mr. DEPUTY SPEAKER: I fix for this adjournment motion 10 a.m. on the 3rd March——

Dr. NALINAKSHA SANYAL: Adjournment motions shall have to be taken up on the same day, Sir, under the rules.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I have waived already the urgency of the case and therefore there can be no objection to taking it up later on.

Dr. NALINAKSHA SANYAL: Sir, we insist that this adjournment motion must be taken up today, and we will not be a party to this kind of want on disregard of and encroachment on our rights.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I am absolutely within my rights if I decide when the adjournment motion should be taken up, and I can decide that it should be taken up at a later stage.

Dr. NALINAKSHA SANYAL: You can do that only by agreement with the mover of the adjournment motion, otherwise not.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as this adjournment motion is concerned, we do not object to it, but I submit to the House that the circumstances are such that it cannot be discussed today and that some

time must be given to me to ascertain the truth or otherwise of the allegations that have been made. I got the statement of facts by post this morning. It contains certain allegations about which Government knows nothing. I will have enquiries made and after enquiries I will make a statement to the House and if I find that the Ordinance has been misapplied, I will have a conference with the leaders of the House in order to decide the future course of conduct and as to how this misapplication of the Ordinance can be prevented. We will not only hold enquiries but also take the necessary steps to prevent its misapplication.

Dr. NALINAKSHA SANYAL: How will you compensate for those unfortunate fellows who have already been convicted?

Mr. DEPUTY SPEAKER: That question does not arise at this stage.

Mr. K. SHAHABUDDIN: Sir, I was keeping silent so long as far as the adjournment motion was concerned. But now because you have allowed the Chief Minister to make a statement and he is asking for a postponement of the debate, it is only fair that you should allow me to make the position clear, because you know, Sir, that as the Chief Whip of the Opposition I had some hand in arranging the date and time of the discussion of the adjournment motion. I kept quiet so long, Sir, because certain members of the Government party approached me and you know I did not raise any objection.

Mr. DEPUTY SPEAKER: It is only fair if I now fix the date and the time.

Dr. NALINAKSHA SANYAL: Sir, the time has been fixed entirely against our approval and consent; it has been done under the Speaker's right even though the rules do not entitle the Speaker to do so. It is being done against the convention of the House that an adjournment motion must be taken on the same day unless it is agreed to by the members and that it should not be taken up on a subsequent date.

Mr. DEPUTY SPEAKER: I can tell you there are precedents when adjournment motions were not taken on the same day.

Dr. NALINAKSHA SANYAL: Yes, Sir, but that was done by agreement with the persons moving the adjournments and not to help the Government.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will not be in a position to make any statement with regard to the enquiries if the motion is taken up today.

Dr. NALINAKSHA SANYAL: You will never be ready to make a statement. The adjournment motion was given notice of ten days ago but you are still unprepared.

Mr. K. SHAHABUDDIN: Sir, the Chief Minister's statement forces me to expose the whole truth as to how he is trying to evade this question. As you are aware, the date for the adjournment motion was agreed to in

consultation with the Deputy Secretary of the Government who came on behalf of the Government. Unfortunately the Chief Whip of Government was not present on that day. I was sent for in your room where you as well as the Deputy Secretary of the Home Department were present, and the date was fixed and a definite assurance was given to us that this adjournment motion would be taken up on the 26th February. Now, if the Chief Minister says that he has received a notice only today, I am constrained to say that he is not telling the truth. You know, Sir, that notice was given some ten days ago, the urgency was waived and we were allowed to move it at a later date, and the 26th of February was fixed for the purpose. We were definitely given an assurance that this debate would be taken up today.

Mr. DEPUTY SPEAKER: As soon as the notice of an adjournment motion is given, the usual practice is that if the Speaker thinks that it is in order, he at once gives his consent and it is sent to the department concerned. In this case also it was sent to the department concerned; so there is no use discussing that point now.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? I invite your attention to rule 100 of the Assembly Procedure Rules where it is stated that when objection is taken, the Speaker shall request those members who support the motion to rise in their places, and, if not less than——

Rai HARENDRA NATH CHAUDHURI: Don't omit any portion, read the whole of it.

Dr. NALINAKSHA SANYAL: Mr. Rai Chaudhuri, please do not get impatient. We know something about the rules, and don't try to teach your grandmother.

As I was saying, Sir, if objection is taken the Speaker shall request those members who support the motion to rise in their places and, if not less than 50 members rise accordingly, he shall similarly intimate the hour. Sir, the Speaker has been given the power under the rules to fix the hour and not the date. You cannot change the date. As a matter of fact, the whole purpose of the adjournment motion is to have an opportunity straightaway to stop the business of the House and to proceed with the discussion of the adjournment motion. There can be no meaning of an adjournment motion if this kind of postponement is allowed.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I have already given you the reply and it does not call for any further reply. I know the Speaker has to intimate the hour and not the date. But it is the practice of this House that different dates are selected by the Speaker.

Dr. NALINAKSHA SANYAL: If that has been the practice, we strongly protest against that being quoted as a precedent because on previous occasions we had done it only by agreement of the person moving it.

Mr. ATUL CHANDRA SEN: We know you will always protest.

Dr. NALINAKSHA SANYAL: Yes, we will protest. We are not "yes-men" of the Government now.

Mr. DEPUTY SPEAKER: I have already fixed the date——

Dr. NALINAKSHA SANYAL: We want to proceed with the adjournment motion. If the Chair is in difficulty, let him take the chance. I have an important adjournment motion relating to——

Mr. DEPUTY SPEAKER: I have already said that I will take up this adjournment motion later on.

Dr. NALINAKSHA SANYAL: The House has got many important Non-Official Bills. We shall not allow this kind of encroachment on the rights and privileges of the House. We know in the past we had this kind of encroachment on the rights and privileges of the members of the House and we shall never tolerate it any more.

Mr. DEPUTY SPEAKER: With regard to Non-Official Members' Business, I am in a position to state now that if the House agrees, I will, on my own responsibility, give one more day for it, if you do not want to proceed. My intention is that we will not take up Non-Official Members' Bills today.

Dr. NALINAKSHA SANYAL: I do not understand at all why there should be any intention at all from the Chair. We have this day allotted for Non-Official Members' Bills. In case the adjournment motion, as is your ruling, cannot be taken up today, we will proceed with the Non-Official Members' Bills. Sir, a very large number of Bills have accumulated and on the previous occasion we prayed that there need not be any "massacre of innocents" because a large sheaf of Bills from the Government party have been lying ready for introduction for a pretty long time and this is the only day available with great difficulty. There has been encroachment on non-official days in the past. We will not allow it.

Mr. DEPUTY SPEAKER: I entirely agree with Dr. Sanyal. In that case, if the House insists that they will proceed with Non-Official Members' Bills, I have to adjourn the House for 15 minutes, and I will ask someone else to preside. I am not feeling very well to continue today's business.

Mr. H. S. SUHRAWARDY: Sir, before you do that, what about the other adjournment motion regarding the Chairmen of District Boards?

Mr. DEPUTY SPEAKER: With regard to that adjournment motion, I think it has been sufficiently discussed.

Mr. H. S. SUHRAWARDY: No.

Mr. DEPUTY SPEAKER: I tell you, Mr. Suhrawardy, that your chance was for two hours only, but on a modest calculation during the Budget Discussion you have discussed that particular matter for more than four hours. Therefore, I think it is not necessary. You will get chances of discussing this matter on cut motions.

Mr. H. S. SUHRAWARDY: With very great respect, Sir, all the facts have not been properly placed. On the other hand, the Hon'ble Minister made certain remarks regarding the Chairmen of District Boards which were absolutely incorrect.

Mr. DEPUTY SPEAKER: You will get sufficient chances to discuss this matter on cut motions.

I want to know whether the House will agree to close for today. I will not close it now if it is the intention of the House to proceed.

Mr. K. SHAHABUDDIN: We may proceed with the Non-Official Members' Bills.

Mr. YOUSUF MIRZA: We are prepared to give another day. There is no point in proceeding with Non-Official Members' Bills today.

Dr. NALINAKSHA SANYAL: The Chief Whip of the Government once threatened that there was no date available for Non-Official Business.

Mr. DEPUTY SPEAKER: As regards the date, if you agree——

Dr. NALINAKSHA SANYAL: You have no power, Sir. Please do not hold out false promises as the Ministers have been doing.

Mr. DEPUTY SPEAKER: We may fix one day in the first week of April.

Mr. K. SHAHABUDDIN: Sir, I most humbly suggest that it would be unfair to the House to do that because this is a non-official day, Non-Official Bills are there and the House has been called and why should we not go on with our work? Sir, we are very sorry to hear that you are not very well. After all, there are four gentlemen who form the Panel of Chairmen and one of them might be quite willing to carry on. Therefore, we should not waste the time and money in this way. Let us go on with Non-Official Bills.

Mr. DEPUTY SPEAKER: Am I to understand that the House will continue with Non-Official Business?

(Cries of "Yes, yes" from the Opposition benches and "No, no" from the Coalition benches.)

Mr. DEPUTY SPEAKER: In that case, I suggest that I adjourn the House for 15 minutes and, in the meantime, I will ask for a Chairman who will come next and proceed with the business of the House.

Dr. NALINAKSHA SANYAL: If no member of the panel is available, the rule is that any member of the House can be elected Chairman.

Mr. DEPUTY SPEAKER: I know that.

(The House was adjourned for 15 minutes.)

(After adjournment.)

Election of Speaker.

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, before we begin may we enquire when we will have the Speaker's election, because the members are absolutely in the dark as to the time when the election will take place? We have had the date announced. But unfortunately the time is not mentioned. It will be greatly convenient to members of all parties if you will kindly let us know the time.

Mr. DEPUTY SPEAKER: It will be at 3 p.m. on the 1st March.

Dr. NALINAKSHA SANYAL: We would also request you to let us know what is the order of the cut motions to the Supplementary Budget that will be taken up tomorrow and on Monday. We feel that unless the more important motions are taken up first they will be guillotined as on the second day, that is on Monday, there is this election of the Speaker. We would request you to permit the Opposition to choose their motions first and to go on with the debate tomorrow on such cut motions that the Opposition would like to take up.

Mr. DEPUTY SPEAKER: That I will do in consultation with the Whip of the Opposition and you will please send your list of motions tomorrow about one hour earlier. I am now in a position to state that Government have given one more day for Non-Official Business.

Adjournment.

The House was adjourned at 5-10 p.m. till 10 a.m. on Saturday, the 27th February, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 27th February, 1943, at 10 a.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 7 Hon'ble Ministers and 159 members.

STARRED QUESTIONS

(to which oral answers were given)

Persons killed or injured by military lorries.

*74. **Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of people killed or injured by the military lorries in Bengal in the year 1941-42; and

(*b*) the number of cases in which the lorry drivers were tried and punished?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The figures in respect of Calcutta are 598 persons killed or injured and in eight cases lorry drivers were tried and punished. As regards the districts the information is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state, with reference to his answer that 598 persons were killed or injured, how many were killed and how many were injured?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not find the figures here. Probably about 29 or 30 would be the figure as regards killed and the rest were all injured.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if any compensation has been paid to the persons that were killed or injured in these accidents?

The Hon'ble Mr. A. K. FAZLUL HUQ: Compensations have been paid and if further details are wanted I want notice.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state what is the number of lorry-drivers who are responsible for such accidents?

The Hon'ble Mr. A. K. FAZLUL HUQ: I could not give the information offhand. If that is wanted, I want notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government took steps to minimise the number of accidents?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a request which certainly is very reasonable to make in view of accidents happening, but as far as Government are aware the number of accidents has been minimised to a great extent, and the Commissioner of Police is always considering how far accidents can be avoided and how to introduce rules and regulations for the guidance of vehicles, motor or otherwise, to avoid accidents as far as possible.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state in view of his answer that only in eight cases lorry-drivers were tried and punished, what steps were taken against lorry-drivers in other cases and whether any compensation was given in those cases?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a very long question, and I cannot follow the honourable member.

Maulvi MUHAMMAD ISRAIL: In answer to the question, the Hon'ble Minister has said "that the figures are 598 persons killed or injured and in eight cases lorry-drivers were tried and punished." Sir, my question is what happened to the other people?

The Hon'ble Mr. A. K. FAZLUL HUQ: Speaking from memory,—it was some time ago that I saw the papers,—all available information was collected regarding the cases in which lorry-drivers were involved. In most cases, although it was proved that some accidents had happened, there was no evidence forthcoming which might lead to a regular trial succeeding in a court. In such cases departmental action was taken and lorry-drivers were not sent up for trial. I cannot give the exact number, but if the exact number is considered to be very important, I would like notice to be given so that I may give the details.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether one and all of these 29 or 30 persons who were killed and identified were given compensation?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have given the names of certain persons in the statement laid on the library table, but as regards the other cases identification was not possible for two reasons: In the first place no information was given to any police-station for some time after the occurrence had taken place and when some time had elapsed, it became impossible for the police to get the identification or any evidence to show who those persons actually were. It is very difficult for me to say the number of persons. If it is wanted, I am afraid I could not give, but as regards the 20 odd cases they were identified and compensation was given.

Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister be pleased to state whether in view of the great number of accidents Government have

taken necessary steps to approach the military authorities and to draw their attention to the fact that it is necessary for those who drive military lorries in the city of Calcutta to exercise more caution?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am glad that the question has been put. As it is a very important question concerning the lives of the pedestrians in Calcutta, Government have approached the military authorities, and I am glad to inform the House that the military authorities have not only promised to see that these accidents are minimised in number, but also have taken strong measures in almost all cases in which action should have been taken. Government have approached the military authorities and they have responded very promptly.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the Government is aware that even today the military lorry-drivers very often disobey the policeman's finger?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am afraid it is true, but it is difficult to control the perversity of human nature.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state whether at the present moment action has been taken against lorry-drivers by military people in cases which are brought to their notice and whether they report to Government what action has been taken by them in such cases?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a question of action taken in individual cases. I cannot answer that offhand. As I have said, in cases like this I must have notice.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state whether it is not the practice with the military authorities to report to Government what action they have taken departmentally against lorry-drivers?

The Hon'ble Mr. A. K. FAZLUL HUQ: Action taken has been reported and the information is available. If notice is given, I shall tell the House.

Khan Bahadur MOHAMMED ALI: With regard to the latter part of the answer regarding information from the districts, will the Hon'ble Minister be pleased to state if the Government think that the lives of the people living in the districts are not so valuable and important as to spend money in the collection of figures?

Mr. DEPUTY SPEAKER: That is a matter of opinion.

The Hon'ble Mr. A. K. FAZLUL HUQ: If you will permit me to answer, I cannot imitate the reprehensible irony involved in that question. The honourable member is certainly aware that no one in this House is so inhuman as to think that human life has not got a value. I am afraid the honourable member in his anxiety to be more prominent as a question-putter in this House has put a question which is absolutely meaningless.

The honourable member has not understood the meaning of the answer that I have given, but it is this, that all over Bengal if you go on making enquiries how these accidents happened it may be done, but the completion of the labours will outlive the time of this Assembly perhaps and perhaps also the lives of many of us.

Khan Bahadur MOHAMMED ALI: Am I to understand, Sir, that no record is kept in police files with regard to the figures about the number of persons killed or injured?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will immediately take up the work of compiling the statement.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether it is the policy of Government to give compensations to persons killed or injured?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think any other Government have given compensations in such cases as the present Government have done. Sir, this Government have made a new departure to give compensations in such accident cases.

Khwaja Sir NAZIMUDDIN: Is the Hon'ble the Chief Minister aware that the records of deaths and injuries sustained have been supplied by the Government of Bengal to the Government of India for answering questions in the Central Assembly and that therefore these records are in the files of the Government of Bengal and can be given to us?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not say they are not, but their collection would involve a good deal of time and labour that would not be justifiable in war time.

Mr. ABDULLA-AL MAHMOOD: In view of the fact that the Government of Bengal has been kind enough to give compensations in the Calcutta area, will the Hon'ble Minister be pleased to state whether Government is prepared to extend the same consideration to the mufassal and with that end in view enquire into the accident cases in the various districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have already said, I will undertake the enquiry but I cannot promise when the enquiry will be completed.

Police-firing and lathi charges in Calcutta during August, 1942.

***75. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that during the second and third weeks of August, 1942, a number of persons were killed and injured in Calcutta as a result of the firing or *lathi* charge made by the police?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the reasons for such actions taken by the police; and

(*ii*) whether the actions taken by the police were approved by—

(1) the Council of Ministers, or

(2) the Home Minister?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing for the period from 12th to 30th August, 1942,—

(*i*) the number of persons reported to have been—

(1) killed, and

(2) injured

as a result of police actions; and

(*ii*) the names and addresses of the persons killed and the places where they were killed?

(*d*) Will the Hon'ble Minister be pleased to state whether any enquiry was made into the matter?

(*e*) If so, will the Hon'ble Minister be pleased to lay on the Table a copy of the report of such enquiry?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any attempt has been made to find out the number of persons killed and injured that were absolutely innocent; and

(*ii*) whether any steps have been taken to adequately compensate the persons injured or the families of the persons killed in cases of those so killed or injured who have been found to be innocent?

(*g*) Will the Hon'ble Minister be pleased to state whether any steps have been taken to punish any member of the police force whose action has led to the injury to or loss of life of innocent persons?

(*h*) If so, what are those?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) (*i*) Action was taken by the police in the restoration of law and order necessitated by riotous and subversive demonstrations accompanied by sabotage on an alarming scale.

(*ii*) Action taken by the police was in the exercise of powers conferred upon them by the law for the exercise of which they are not required to obtain any further sanction or approval from Government.

(*c*) (*i*) (1) 20.

(2) 152.

(*ii*) A list is laid on the Library Table.

(*d*) Reports were duly submitted to Government from time to time by the Commissioner of Police indicating the facts and I understand that the usual enquiries into firing by the police which are conducted by the Commissioner of Police were made.

(*e*) The results of the enquiry by the Commissioner of Police have not been submitted to Government in detail and I am not prepared to undertake to make them public when or if they are received.

(*f*) (*i*) No, Sir.

(*ii*) The question whether compensation shall be paid to persons injured, or to the families of persons killed, during action taken by the police to suppress disturbances and to restore law and order is under my consideration.

(*g*) No, Sir. The House will realise that the criterion relevant is whether the action taken was justified in the circumstances and not whether the person who suffered from such action was or was not innocent.

(*h*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*) (*ii*), namely, the police was not required to obtain any further sanction or approval from Government, may I invite the Hon'ble Minister's attention to the question which specifically asks whether the action taken by the police was approved by the Council of Ministers or the Home Minister, and may I enquire whether at any later stage the action was at any time referred to the Government or the attention of the Home Minister was drawn to the action taken by the police and he had given his consent, approval or sanction to the same?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not think any of these cases was considered by the Council of Ministers. Then there remains the question whether the action of the police had my approval or not. I may tell the House that when the police consider it necessary to resort to firing they never get an opportunity of consulting anybody. They take action on their own responsibility and in the exercise of the powers conferred upon them by Government. As soon as an occurrence of police firing takes place, report is sent to the Head of the Police, the Police Department and to Government. Enquiries are made and in those cases in which Government think that *prima facie* the police have misused the powers they possess, further enquiries are made. That is the practice. In this particular case, speaking from memory, I consider that all the cases had come up to me and in some cases I felt constrained to hold that the action taken was somewhat hasty. In these cases I have directed departmental enquiries to be held, and in other cases I felt that the action taken had to be taken on the spur of the moment, and although the result was regrettable the blame would not attach to those who had resorted to the method which they had adopted in quelling the disturbances. Beyond that I do not think I can give any answer to a general question whether in all cases in which there has been firing the action of the police was approved by me.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government take the responsibility of the action of the police in these cases?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think my friend is aware that the Council of Ministers is something different from the Government.

Dr. NALINAKSHA SANYAL: Sir, my question was whether the Counil of Ministers take the responsibility for the action of the police.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, Government means——

Dr. NALINAKSHA SANYAL: I have not asked about the Government at all. I have asked whether the Council of Ministers take the responsibility.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I submit that the question is so vague and indefinite that it cannot be answered properly. If my learned friend will be pleased to raise particular issued one by one, I am willing to give an answer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the Minister-in-charge of the Home Department takes responsibility for the action of the police in indulging in shooting and firing in Calcutta in the middle of August?

The Hon'ble Mr. A. K. FAZLUL HUQ: I confess I cannot understand the meaning of the phrase "take responsibility".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is aware that one technical assistant of the Bengal Telephone Company, Mr. Pal, was killed while actually engaged on duty in the street—he was repairing a machine which was temporarily out of order?

The Hon'ble Mr. A. K. FAZLUL HUQ: I know the case. It was a most unfortunate case and since nothing could bring back the dead to life, Government have done all that possibly could be done.

Dr. NALINAKSHA SANYAL: What has been done?

The Hon'ble Mr. A. K. FAZLUL HUQ: Compensation has been given —pension has been given.

Dr. NALINAKSHA SANYAL: What is the amount?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember the figure, but adequate compensation has been given. Pension has been given to the relatives and dependants.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what punishment was meted out to the person responsible for this wanton cruelty and murder?

The Hon'ble Mr. A. K. FAZLUL HUQ: On that point also I can give a very clear answer to the House. Efforts were made to find out who the actual culprit or culprits were, and my friend is aware that the difficulty in these cases is that the question of identification of the culprit comes in. Whenever such an occurrence takes place, there are two aspects which come up for consideration—first of all, whether the occurrence did take place;

if so, under what circumstances and, secondly, who were the culprits. Now, Sir, the primary question in these cases is the question of identification. My friend is a very learned doctor in many subjects, but I had been an advocate. My friend easily realises that in many cases although investigation by the police or otherwise can be undertaken to find out the culprits, unless the culprits can be spotted, they cannot be put on their trial. In this case efforts were made because it was a very, very lamentable case, but in spite of everything that could be done, it was not possible to exactly find out who the persons were who can even remotely be said to be responsible.

Dr. NALINAKSHA SANYAL: What efforts were made?

The Hon'ble Mr. A. K. FAZLUL HUQ: Police investigations were made.

Dr. NALINAKSHA SANYAL: Any magisterial enquiry?

(No reply.)

Mr. A. F. STARK: Will the Hon'ble Minister please state if it is not a fact that the police by their quick and decisive action restored peace to Calcutta within a short period and saved countless lives?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter of opinion. A large section of the Calcutta public hold the view that sometimes prompt action, although apparently cruel, saves larger disastrous events just as when fire breaks out, if one or two houses are pulled down, it prevents the conflagration from spreading.

Mr. KIRAN SANKAR ROY: May I ask the Hon'ble Home Minister if he is aware that the allegation was that the murder of Mr. Pal was committed by a sergeant on a motor-cycle?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was the allegation, and at one time it was felt that it narrowed down the scope of the enquiry. Unfortunately it was also found that on that day, these sergeants on motor-cycles were not particularly traceable in any particular neighbourhood. They were for five minutes in one place and for five minutes in a distant place, and so it could not be located who were the patrol parties who were in that nighbourhood at that particular time. That was the difficulty.

Mr. KIRAN SANKAR ROY: May I ask the Hon'ble Home Minister if it is not a fact that certain rounds of ammunition are supplied to the police sergeants by the department?

Mr. I. A. CLARK: On a point of order, Sir. Is it parliamentary for a member of the House to refer to the action on the part of the police in the execution of their duties, even if it is a mistake, as murder?

Mr. DEPUTY SPEAKER: While referring to another member of the House, I think the word "murder" cannot be used. It is absolutely unparliamentary.

Mr. A. F. STARK: Will the Hon'ble Minister please state if he agrees that the people of Calcutta owe a debt of gratitude to the police for their action in restoring peace in Calcutta?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. KIRAN SANKAR ROY: Sir, I have not got any reply to my question. May I repeat it? I wanted to know whether it is a fact that a certain number of bullets are supplied to sergeants who go out on patrol.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is an important question. I cannot answer it now. If my learned friend will permit me, I will make enquiry and let him have an answer later on.

Mr. K. SHAHABUDDIN: In view of the answer given to the question of Mr. Stark, will the Hon'ble Minister please state if Government approve of the action taken by the police in quelling the disturbances in Calcutta?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government never approve of inhuman conduct, but they have at the same time got to carry on the administration and before persons band themselves together to break the law, they must be prepared for harsh measures. From that point of view it is impossible to give an answer to the question which has been put. All I can say is that—I repeat it—in such cases unfortunate incidents do occur and no one regrets those incidents more than I do.

Mr. ATUL CHANDRA SEN: From the replies given by the Hon'ble Home Minister regarding the difficulty in detecting policemen who committed the murder, do I understand the Hon'ble Minister to state that the police authorities did not co-operate with the Government in finding out the culprits?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. K. SHAHABUDDIN: Will the Hon'ble the Home Minister be pleased to state if the Government consider the action taken by the police as inhuman as stated by him just now, namely, that Government do not approve any inhuman action?

The Hon'ble Mr. A. K. FAZLUL HUQ: My learned friend is very happy that he thinks that he has caught me napping. I cannot answer general questions by general replies. As I have said if an action is regrettable, Government regrets it as any human being. I do not understand how the honourable member who has put this question can claim to have more human kindness in him than we possess?

Dr. NALINAKSHA SANYAL: With reference to answer *(d)* regarding enquiry by the Commissioner of Police, will the Home Minister be pleased to say if Government have on their own departmental enquiry or otherwise satisfied themselves that the police in exercise of their powers did not exceed the limits and did not use such terroristic manner or method which might not be required?

The Hon'ble Mr. A. K. FAZLUL HUQ: The report submitted by the Commissioner of Police in many cases did not commend itself to me and in some cases, therefore, I have asked for further details and for further enquiries. Now, Sir, the position on the 8th, 9th, and I think up to the 10th August was somewhat peculiar and the action that was taken by the police in the opinion of many was taken with a view to quell the disturbances, but in some cases perhaps less drastic action might have been taken. That is a matter of opinion, and on this point opinion in Calcutta is divided. While some think that the action was absolutely necessary, I admit that there is a section, perhaps much wider section, which thinks otherwise.

Khan Bahadur MOHAMMED ALI: What is the opinion of the Chief Minister?

The Hon'ble Mr. A. K. FAZLUL HUQ: The opinion of the Chief Minister is locked up in his breast. (Laughter.)

Dr. NALINAKSHA SANYAL: With reference to answer (c), where the Chief Minister says that the results of the enquiry by the Commissioner of Police have not been submitted to Government in detail, will the Hon'ble Minister be pleased to state if Government in view of the large number of casualties are considering the desirability of appointing a tribunal of enquiry —confidential—which may not be made public, a tribunal of persons in whom Government have complete confidence, and find out from the report of the Commissioner of Police in detail and any other enquiry that they may be pleased to make whether the police acted entirely within the bounds of what they were expected to do?

The Hon'ble Mr. A. K. FAZLUL HUQ: My learned friend is a learned doctor in many subjects. He must be aware that my promises of tribunals are seldom believed by the House. (Khan Bahadur MOHAMMED ALI: It is.) In this particular case I am afraid that a tribunal will be infructuous. All that the tribunal will be able to find would be a finding of fact that there have been cases in which firing had been resorted to and all that. But I am absolutely certain that the culprits will not be spotted. Functioning of a tribunal merely to find out as to what happened or not will be absolutely useless.

Dr. NALINAKSHA SANYAL: What is the machinery that Government possesses to find out if excesses done by the police under the direction of the Commissioner of Police, if they go beyond the limits of law, are properly investigated into or might be scrutinised by a superior governmental machinery? What is the machinery, because you say here that the Commissioner of Police had not sent even to Government the full details of the enquiry?

Mr. DEPUTY SPEAKER: Your question is very simple, namely, what is the machinery?

Dr. NALINAKSHA SANYAL: As the Chief Minister wants to make his position clear, let me also make my question clear. The Commissioner of Police is himself the officer who is responsible for arranging this wanton assault amounting to murder of certain persons and that person himself sits on his own action as the enquiring officer. In this particular respect may I enquire from Government if Government are not prepared to enter into the question of appointment of an independent tribunal from outside? What machinery Government have themselves got or want to set up to assess and find out and scrutinise the action of the Commissioner of Police himself and the gang of men whom he set on innocent persons to assault them and to murder them?

The Hon'ble Mr. A. K. FAZLUL HUQ: My learned friend (Mr. KIRAN SANKAR ROY: Why learned?) has more than once consulted Sir Nazimuddin in certain matters, and if he consults Sir Nazimuddin in this matter he will find that the action that was taken by the Government was the only action that was possible under the circumstances.

Dr. NALINAKSHA SANYAL: Sir, my question has not been answered.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am coming to that. It is only introductory.

Dr. NALINAKSHA SANYAL: It is a very serious matter involving murder of many persons.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, it is a very serious matter, and that is all the more reason why I should not be interrupted.

Dr. NALINAKSHA SANYAL: You should not indulge in levity on a question in which the lives of many persons were lost.

The Hon'ble Mr. A. K. FAZLUL HUQ: Levity is not your monopoly.

Dr. NALINAKSHA SANYAL: We have learnt it from our elders.

The Hon'ble Mr. A. K. FAZLUL HUQ: Elders are not always wise: youngers are sometimes wiser than the elders.

The Commissioner of Police is certainly the Head of the Calcutta Police. Therefore, if a member of the Calcutta Police Force commits an offence, obviously it would seem somewhat improper that the Head of the Police should be asked to enquire into the conduct of one of his subordinates. Now I think we have got to assume, unless the contrary is proved, that while the Commissioner of Police is anxious that the life and liberty of the people should be protected, he is also anxious that the police force under his command must behave in such a way that there may not be complaints from the public against the manner in which they are discharging their duties. We have got to assume that he will be an honest officer realising the responsibility of his position as the Head of the Police and if he makes an enquiry it is no part of the duty of the Commissioner of Police to shield a person who on the evidence appears to be a guilty person.

Dr. NALINAKSHA SANYAL: Sir, my question has not been answered.

The Hon'ble Mr. A. K. FAZLUL HUQ: Let me finish. So far as these incidents are concerned, Government have followed a course that is ordinarily followed in such cases, namely, they have asked for a departmental report—to give Government an idea (Dr. NALINAKSHA SANYAL: And the report has been refused.) of what the departmental point of view is. If the Government feel that there are points which require further investigation, they can ask from the department to supply information on specific points, or they can have an enquiry made by the outside public—some other agencies. In these cases the Commissioner of Police did not send up any detailed reports on those accidents, and we have asked for detailed reports. The trouble, as I have said so often, is this. I have myself gone through some of these cases and have scrutinised even police diaries and other papers. I have always felt that no human effort could, in the circumstances then prevailing in the city, actually find out the accused in particular cases. During those two days events were moving very fast, and it was difficult for anyone, even for an intelligent eye-witness of the occurrence, to be able to look at the features of the persons who might have been guilty of the acts in order to be able to identify them in a court of law. There is a proverb that to Europeans all Indians look alike, and to Indians all Europeans look alike. It is very difficult, therefore, to expect ordinary people, who saw these things in the excitement of the moment, to be able to pick up the particular sergeants so as to enable Government to put them on trial. Therefore I had to accept the departmental report.

Dr. NALINAKSHA SANYAL: Sir, my question has not been answered yet.

Mr. DEPUTY SPEAKER: I am of opinion that a sufficient number of supplementary questions has been put and therefore cannot allow any more.

Dr. NALINAKSHA SANYAL: My point is that the Hon'ble Chief Minister in beating about the bush has not actually answered the question put. I put a specific question as to what machinery the Government has got——

Mr. DEPUTY SPEAKER: It is a matter of opinion. I am sorry I cannot help you in extracting an answer which you may consider proper from the Hon'ble Minister.

Mr. K. SHAHABUDDIN: This is a very important question, Sir. I feel that more time should be allowed.

Mr. DEPUTY SPEAKER: Put your question.

Mr. K. SHAHABUDDIN: As has been submitted by Dr. Sanyal, the answer given by Government is so evasive that we are forced to put more questions to clarify the point.

Mr. DEPUTY SPEAKER: Put your question.

Mr. K. SHAHABUDDIN: My question is this. In answer to my previous question the Hon'ble Minister has stated that the question of approval or disapproval does not arise. However unpleasant the action of

the officer might have been, will the Hon'ble Minister be pleased to state that under the circumstances the action taken by the officer is approved by the Government?

Mr. DEPUTY SPEAKER: It is too general a question. It has also been put and answered.

Dr. Sanyal, do yau want to put any more questions?

(No response from Dr. Sanyal.)

Accommodation in Ghatal Sub-Jail.

***76. Mr. HARENDRA NATH DOLUI:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the sub-jail in the subdivision of Ghatal in the district of Midnapore is often occupied by prisoners and under-trial prisoners beyond the capacity of the prison house; and

(*ii*) that all the persons are thrust into the largest room during night where they have to pass the night with their nightsoil accumulated in the very room?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many prisoners are normally accommodated in the said sub-jail; and

(*ii*) how many were put in during the month of (1) December, 1942, and (2) January, 1943, in the sub-jail?

(*c*) Is the Hon'ble Minister considering the desirability of constructing a separate privy and a urinal attached to the largest room for the use of the prisoners?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) The room referred to herein is the only accommodation in this sub-jail for male prisoners and as such they are locked up in the said room at night. There is a cage latrine attached to this ward for use, if necessary, by the prisoners during night. The said latrine is cleaned at sunrise every morning. This latrine is not used during day-time. At night it should be used very occasionally.

(*b*) (*i*) Male 18 and female 2.

(*ii*) (1) December, 1942—36 daily.

(2) January, 1943—37 daily.

(*c*) The Communications and Works Department are being asked to consider the desirability of providing a separate septic latrine for use during night.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*)(*ii*), will the Hon'ble Minister be pleased to state whether he is aware that the door of the cage is made of iron bars and as such the smell coming out of the latrine easily enters the room where prisoners sleep and that affects their health?

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall make an enquiry into the matter.

Government action against hoarding of small coins.

***77. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether he is aware of the acute shortage of small coins in Bengal; and

(*ii*) whether this shortage is due to hoarding up of such coins by the people?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, what steps, if any, have Government taken or do they intend to take in bringing to book these illegal hoarders?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) Government have directed that prosecution shall be instituted wherever hoarding is detected. They have announced that rewards will be paid to persons furnishing information leading to conviction and have directed that prosecuting officers be instructed to press for deterrent sentences including a term of imprisonment, on conviction. They have also drawn the attention of Magistrates to the desirability of expediting trials and of giving full publicity to the results of those which end in conviction.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what, according to the definition of Government, amounts to hoarding?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know. I remember to have answered this question somewhere, but I cannot say how much would amount to hoarding.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not possible to define hoarding by saying that to retain in one's custody more amount than he actually needs will be hoarding?

The Hon'ble Mr. A. K. FAZLUL HUQ: I submit that the question as put is vague.

Dr. NALINAKSHA SANYAL: So is the answer.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he is aware that the police in the mufassal arrest persons having even Rs. 2 or Rs. 3 worth of small coins?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not heard of such cases, but it is possible that people who have got the right to arrest may have arrested some innocent persons also by misappling the law.

Mr. P. BANERJI: What arrangements does the Hon'ble Minister propose making in this direction in order to save innocent people from being harassed?

The Hon'ble Mr. A. K. FAZLUL HUQ: No direction can be given, but if cases are brought to our notice, prompt action will be taken. That is one way of putting a stop to unnecessary harassments.

Receipts and expenditure under Sales Tax Act.

***78. Mr. J. C. GUPTA:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the amount of total sales tax realised up to date;

(*b*) the total expenditure involved up to date in administering the Sales Tax Act;

(*c*) the estimated recurring annual expenditure; and

(*d*) the estimated annual receipts?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Receipts during the current financial year up to 31st December, 1942—Rs.48,44,228.

(*b*) Expenditure during the current financial year up to 31st December, 1942—Rs.2,56,194.

(*c*) Estimated expenditure in 1943-44—Rs.4,10,952.

(*d*) Estimated receipts in 1943-44—Rs.60 lakhs.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that it was the intention of the Legislature that the sales tax should be realised from the shop-keepers, but that now it is being realised from the customers?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question offhand. I want notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what authority the salesmen have got to realise this tax? Have they been authorised by Government by any statute or any rule made thereunder?

The Hon'ble Mr. A. K. FAZLUL HUQ: The power is given under the statute, but the method of realisation is determined by the rules made thereunder.

Imposition of sales tax on Indian sweetmeats.

***79. Mr. J. C. GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that the imposition of sales tax on Indian sweetmeats is causing hardship to the confectioners as also to the consumers;

(*ii*) that the main ingredients with which sweetmeats are cooked are exempted from operation of sales taxes while sweetmeats prepared with such articles are liable to sales tax;

(*iii*) that Indian sweetmeats are the daily necessities of life of the people of this Province and not a luxury like cakes and pastries;

(*iv*) that many of the sales of Indian sweetmeats are in small units of less than an anna and mostly between one anna to 8 annas and further such sales include partly articles which are exempted from sales tax and as such the realisation of the sales tax is difficult and impracticable;

(*v*) that curd (*dahi*) is a great necessity for the people of this Province and there is a strong feeling against its inclusion in sales tax; and

(*vi*) that the war has resulted in great increase in the prices of articles and it is causing great hardship to the consumers to pay higher prices due to operation of Sales Tax Act?

(*b*) Will the Hon'ble Minister be pleased to state the amount that is expected to be realised from sales tax on sweetmeats per year?

(*c*) Is the Hon'ble Minister considering the desirability of exempting Indian sweetmeats from sales tax at least as a temporary measure, if not permanently?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*), (*iii*) and (*v*) No.

(*ii*) Yes; but whether this is so or not is irrelevant.

(*iv*) A dealer collects the tax as part of his own cost: in order to pass the tax on to his customer it is not necessary that the tax should be realised separately.

(*vi*) Nearly all the necessaries of life are tax-free. In respect of articles sales of which are taxable, the increase in price that may legitimately be attributed to the operation of the Act is negligible.

(*b*) This information is not readily available. I shall supply it as soon as I receive it.

(*c*) No.

Babu NAGENDRA NATH SEN: With reference to answer (*a*)(*iv*), will the Hon'ble Minister be pleased to state under what authority the dealer collects the tax?

The Hon'ble Mr. A. K. FAZLUL HUQ: Under the Act.

Government revenue from tax on horse racing in Bengal.

***80. Mr. K. NOORUDDIN:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether Government receives any amount from horse racing in Bengal; and

(*ii*) whether Government derives any other income from this source apart from the Betting Tax?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the nature and the amount received thereby?

(*c*) Will the Hon'ble Minister be pleased to state whether any money as tax, contribution, revenue, *salami*, etc., is paid by the Royal Calcutta Turf Club to the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Taxes are levied on two forms of betting—

(1) *Totalisator tax*—Four per cent. of every sum paid by a backer into any totalisator by way of stakes or bets.

The receipts from this tax in 1941-42 amounted to Rs.9,46,441.

(2) *Betting tax*—Four per cent. of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer of a bet made in an enclosure set apart under the provisions of the Bengal Public Gambling (Amendment) Act, 1913, on any race.

The receipts from this tax in 1941-42 amounted to Rs.3,60,191.

Besides the above, entertainments tax is levied under section 3(*f*) of the Bengal Amusements Tax Act, 1922, at the rate of 20 per cent. of the gross sum received on account of payments for admission to race meetings.

The figures of receipts from this tax are not readily available.

(*c*) A sum of Rs.20,000 per annum is paid by the Royal Calcutta Turf Club to Government on account of rent of the land occupied by the Race Course.

Mr. K. NOORUDDIN: Is the Hon'ble the Finance Minister aware that the Provincial Government are realising ten times the amount paid by the Royal Calcutta Turf Club?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware, Sir.

Mr. K. NOORUDDIN: Will the Hon'ble the Finance Minister be kind enough to tell us if he is prepared to give the same permission to an Indian Turf Club which will pay Rs. 2 lakhs per annum?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a very attractive proposal, and if the matter is sent up to Government—of course I do not know how I shall proceed—I shall certainly consider it. I therefore suggest that an attempt may be made in this direction.

Mr. K. NOORUDDIN: Is the Hon'ble Minister aware that the betting and the totalisator tax has been paid entirely by the public and not by the Club which makes a huge profit? Will the Hon'ble Minister therefore consider the desirability of amending the Act so that the tax may be realised from the Club?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not understand these matters at all. I have only read out the replies as prepared by the department and as a matter of fact many of these things I do not really understand. I may say, however, that the suggestion made by the honourable member would certainly receive our consideration.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the amount of Rs. 3,60,191 includes anything from dog-racing?

Mr. DEPUTY SPEAKER: How can that question arise here? We are dealing with horse-racing.

Mr. P. BANERJI: It relates to betting, Sir, and I want therefore to ask whether any separate account is maintained by Government of dog-racing?

Mr. DEPUTY SPEAKER: Well, I have no objection to your question if the Government are prepared to answer it.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think there was any dog-racing in that year and therefore this question does not arise.

UNSTARRED QUESTION

(answer to which was laid on the table)

Remission of rents in the cyclone-affected parts of Midnapore.

29. Mr. HARENDRA NATH DOLUI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that greater portion of crops has been destroyed on account of recent cyclone in the district of Midnapore, especially the subdivision of Ghatal?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of giving remission of rent to the cultivators whose crops have been destroyed?

(*c*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering of making an enquiry into the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Pramatha Nath Banerjee): (*a*) Yes. In Ghatal subdivision the damage to crops is estimated at 35 per cent.

(*b*) Yes.

(*c*) Does not arise.

Mr. KISHORI PATI ROY: Sir, I submit that I am a resident of this subdivision and I know the correct estimate of the damage done in that subdivision. I therefore ask the Hon'ble Minister to check the estimate as supplied to him by the local officers. Sir, the outturn of crop is less than 40 per cent. of the normal this year and therefore the information, as has been conveyed in the answer, is misleading.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am very grateful to the honourable member for the information given.

Holiday for the Akheri Chahar Sombha Festival.

Maulvi MUHAMMAD ISRAIL: May I enquire through you, Sir, of the Hon'ble the Home Minister whether the 3rd of March would be a holiday? The Chief Minister has always claimed to be very keen about Muslim interests, and I hope he will agree to grant a holiday for the Akheri Chahar Sombha festival. Last year, Sir, holiday was given for this festival, and I hope the Assembly will have a holiday this year also.

Mr. DEPUTY SPEAKER: Well, this is not a matter on which the Chief Minister can say anything at this stage. It was in consultation with the leaders of the different parties that it was decided that there would be no holiday on the 3rd March.

Maulvi MUHAMMAD ISRAIL: May I tell you, Sir, that it is a Government holiday and that the courts are closed.

Dr. NALINAKSHA SANYAL: But it was your Whip who suggested that there should be a meeting on the 3rd March.

Mr. DEPUTY SPEAKER: Well, I will discuss this question with the Leader of the Opposition later on

Dr. NALINAKSHA SANYAL: So far as I remember, this question was examined in the presence of the Chief Whip of the Muslim League Party, Mr. Shahabuddin, when it was decided that there should be a meeting on the morning of the 3rd March in case the adjournment motion on the question of misapplication of Ordinance No. 2 should come up on that day.

Mr. DEPUTY SPEAKER: After full discussion in which Mr. Shahabuddin was present and with his consent as the Chief Whip of the Muslim League Party it was decided that there would be a meeting on the 3rd March.

Order, order; before I take up the next item of business, I would appeal to honourable members on both sides of the House to use all possible caution in their language, and I hope they will not go beyond the scope of the supplementary estimates.

FINANCIAL BUSINESS.

Supplementary Estimate of the Government of Bengal for the year 1942-43.

Dr. NALINAKSHA SANYAL: May I suggest one thing, Sir? In view of the limited time at our disposal for discussing a large number of cut motions in connection with the Supplementary Budget you will be pleased to permit only 5 to 7 minutes for movers of motions and as we have handed over to you already the time-table that we have thought necessary to make out, you will kindly follow the order of the discussion given therein.

Mr. DEPUTY SPEAKER: It is my intention also that movers of motions will speak for 7½ minutes and anybody who wants to speak on such motion will get only 5 minutes. With regard to Hon'ble Ministers, they can speak, if they so desire, for 15 minutes each.

Mr. SURENDRA NATH BISWAS: Will that apply to Dr. Sanyal also?

Mr. DEPUTY SPEAKER: Yes, to everybody.

DEMANDS FOR GRANTS.

27—Administration of Justice.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,70,000 be granted for expenditure under the head "27—Administration of Justice" during the current year.

Maulvi MUHAMMAD ISRAIL: I beg to move that the demand of Rs. 1,70,000 for expenditure under the head "27—Administration of Justice" be reduced by Rs. 100. I move this to raise a discussion about the policy of the Government in the engagement of lawyers for conducting Government cases.

Mr. DEPUTY SPEAKER: Mr. Israil, I think it is not permissible to discuss the general policy in the Supplementary Budget because already in the previous year's budget you sanctioned that amount for expenditure. Now, you are entitled to discuss only that portion which is in the Supplementary Grant. It will not be in order to discuss the general policy.

Maulvi MUHAMMAD ISRAIL: So far as this demand is concerned my first criticism against the Government is that they should not have come to this House after spending this amount after so long a time. They should have come to this House before they spent this amount and should have sought the advice and counsel of this House as to how the money should be spent. They should have at least placed this during the September Session of the Assembly, but they have come only in the present Budget Session.

Now, Sir, so far as this particular item is concerned, I want to bring to your kind notice and to the notice of the members of this House that in the Dacca Riot Enquiry Case, although there was a Public Prosecutor in Dacca, Government appointed two men both from Calcutta—one Mr. Majumdar and another Mr. Murshed—superseding the claim of the Public Prosecutor. They were appointed for motives which are known to everybody and also to the Government. I do not think that Government should spend public money in this way. If the Public Prosecutor was appointed and if he conducted the case, then the money spent would have been much less. The daily fee paid to Mr. Murshed was Rs. 800 and his senior got double or treble the amount. Government could have done the same thing by engaging the Public Prosecutor with much less expenditure. They did not do this.

In Balurghat they appointed one person from Bogra superseding the claim of the Public Prosecutor of Dinajpur because he was a Muslim League member, and the Bogra man was also much junior to the Public Prosecutor of Dinajpur.

Now, in Alipore also we are told that there are as many as 15 people who are on the panel out of which only 2 belong to the Muslim community and 13 belong to other communities. There are two Public Prosecutors, and in spite of repeated demands of the Muslims of that place they have not

appointed any Muslim to one of these posts. They have appointed both the officers from the Hindu community, and they have not paid any heed to the demand of appointing any member from the Muslim community.

Not only that, Sir. Cases are distributed, we are told, in such a way that cases which require two or three months are given to people who belong to the Hindu community and cases which last for two or three days are given to Muslims. I think the Hon'ble Minister will see that these injustices are remedied. With these observations I commend my motion to the acceptance of the House.

Mr. DEPUTY SPEAKER: Dr. Sanyal, as regards your motion No. 1, I think it does not arise.

Dr. NALINAKSHA SANYAL: You will find in the first item that for Law Officers Rs. 25,000 additional amount has been provided. It is in the Supplementary Budget itself.

Mr. DEPUTY SPEAKER: That is for fees, not for salaries.

Dr. NALINAKSHA SANYAL: Yes, Sir, "Legal Remembrancer—Allowances and Honoraria," but the item of "Legal Remembrancer" is there. I have not gone beyond that at all. I am entitled to raise a question on the charged portion of a particular budget if any voted portion comes along for discussion.

Mr. DEPUTY SPEAKER: You move your motions together.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 1,70,000 for expenditure under the head "27—Administration of Justice" be reduced by Rs. 100. I move this to raise a discussion on the appointment of the present Legal Remembrancer superseding the claims of senior Indian officers.

Sir, I beg further to move that the demand of Rs. 1,70,000 for expenditure under the head "27—Administration of Justice" be reduced by Rs. 100. I move this motion in order to raise a discussion on the impropriety of appointing lawyers at Government cost to defend Mr. R. C. Pollard, Superintendent of Police, Murshidabad, in connection with the criminal case brought against him on the complaint of Srijut Satya Gopal Majumdar in which the Subdivisional Officer, Berhampore, has convicted Mr. Pollard.

Sir, these are two different issues, and I will submit that if, as we intend to do, we go to voting, the two will be placed separately before the House.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: May I rise on a point of order? With reference to cut motion No. 2, standing to the credit of Dr. Sanyal, regarding the question of payment of fees to legal officers of the Crown, may I refer you to page 4, rule 12(2)(*x*) of the Assembly Procedure Rules which says, "A member while speaking may not refer to any matter of fact on which a judicial decision is pending." I hope my honourable friend will not be permitted to infringe the rule.

Dr. NALINAKSHA SANYAL: Sir, with reference to this point the Hon'ble Minister has drawn your attention to rule 12, sub-rule (2)(*x*), and has said that item No. 2 is a matter which refers to a fact on which a judicial decision is pending. I submit, Sir, in case the Hon'ble Minister in charge says to the House that the question of payment of fees by Government to lawyers is a matter pending judicial decision I shall not press, but, Sir, let him state clearly—and the responsibility must be his—that the question of payment of fees to Mr. J. K. Mukherjee when he appeared on behalf of Mr. Pollard before the District Judge of Murshidabad is *sub judice*.

Mr. DEPUTY SPEAKER: I hold that the motion is in order. Dr. Sanyal is not entitled to discuss the merits of the case, but he can discuss the question of fees paid.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, you have not heard me as to what I had to say on the point before you were good enough to give a ruling. Will you be good enough to hear my views?

Mr. DEPUTY SPEAKER: Yes.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The question of payment of fees in this case is a question which, I submit, is on a matter on which a judicial decision is pending. Sir, I did not anticipate, I did not want to anticipate Dr. Sanyal's speech, and therefore at the very outset I will refer to you sub-rule (9) of rule 12, because Dr Sanyal may not refer in his speech the facts which may involve him within the circumscribed limits of sub-section (9) of section 12. Sir, the position is this——

Dr. NALINAKSHA SANYAL: I give this undertaking that I will not refer to the merit of the case itself.

Mr. P. BANERJI: You need not anticipate that.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Will my friend kindly allow me to continue?

Mr. P. BANERJI: Waste of time.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I can offer the same mutual compliment to my friend Mr. P. Banerji.

Mr. P. BANERJI: Not necessary always.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: If he does not waste time I don't know who does.

Mr. DEPUTY SPEAKER: Please place your facts.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Mr. Deputy Speaker, Sir, the position is this. Here is a public servant who is being defended by Crown officials. Dr. Sanyal raises the question of payment of fees to these Crown officials. That is a question which has direct reference to the fact as to whether or not this public servant has been acting in his capacity as a public servant. That is the matter in issue between the courts of law.

Mr. DEPUTY SPEAKER: Mr. Banerjee, I have already given directions that you will not go into the merit of this case. You will only discuss the propriety or impropriety of giving fees to particular lawyers.

Dr. NALINAKSHA SANYAL: After your ruling, Sir, can the Hon'ble Minister go on indefinitely?

Mr. DEPUTY SPEAKER: He has got further submissions to make.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, the matter is in the seizin of the Hon'ble High Court of Calcutta.

Dr. NALINAKSHA SANYAL: It is not a fact. I would crave your indulgence and request the Hon'ble Minister not to misguide the House.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am not misguiding the House. Dr. Sanyal is apparently a licensed speaker in this House. He can use whatever language he likes against anybody. I am not misguiding anybody. I say, Sir, that the whole question is in the seizin of the Hon'ble High Court of Calcutta. If in your wisdom you feel that the motion is in order, let Dr. Sanyal make his speech. I have no objection.

Mr. JOGESH CHANDRA GUPTA: May I in this connection just bring one fact to your notice? I understand Government have reconsidered the position and though the Advocate-General and others were briefed to appear in the High Court, they did withdraw. Therefore, so far as the payment of fees or engagement of Crown lawyers is concerned, on that matter they have made a decision and this ruling cannot now be questioned on that ground

Dr. NALINAKSHA SANYAL: May I further submit, Sir, that the lawyer who was actually engaged in this case sent me a chit which gives a knocking blow on the case made out by the Minister in charge He says: "I appeared in this case and there is already on record a finding by the District Judge of Murshidabad that Mr. Pollard was not acting as a public servant in that particular case."

Mr. DEPUTY SPEAKER: It is not necessary to cite that. I will listen to Dr. Sanyal's speech, and I will consider what is the trend of his speech.

Dr. NALINAKSHA SANYAL: Sir, I have no intention of delivering any long speech at all. I would simply place these two motions before the House.

So far as the first part is concerned, I strongly disapprove of the action of Government in appointing the present incumbent in the office of the Legal Remembrancer superseding the claims of two very senior Indian officers of the Indian Civil Service.

Secondly, I strongly object to public money being spent in defending a person, who for the time being holds a public servant's office, in connection with a criminal case in which he has been found guilty and has been convicted.

Sir, in this connection, I would also submit to the Hon'ble Minister to consider that if a charge of bribery is brought against a public servant and that public servant is found by a lower court guilty of having taken a bribe, it is none of the business of the Government to go to defend him and to spend public money on helping him to prove that he had been doing things in the proper way. I further submit that if in the course of the subsequent appeal as referred to by the Hon'ble Minister concerned, it is discovered that the particular person concerned has been doing things in a manner which is justifiable or in the wisdom of the High Court it is held that the conviction was not proper, then Government may be approached by that public servant concerned for any compassionate allowance to cover the expenditure that he might have incurred. I beg to state, Sir, that it is not a fact as has been stated by the Hon'ble Minister, that in the appeal to the High Court this officer is being defended by the Crown in any way. He is being defended by an eminent lawyer who is not a Crown servant. All along the Hon'ble Minister tried to make a statement which is not based on facts. So far as this particular point is concerned, I have drawn attention to something on which a judicial finding has already been made. In this particular case before the District Judge of Murshidabad lawyers from Calcutta appeared on behalf of this particular accused and these lawyers were paid out of public funds. To this I am drawing your attention and I consider that to have been very wrong.

Mr. SURENDRA NATH BISWAS: I would only want to say a word or two. Dr. Sanyal now admits in his speech that the appeal is pending before a court, but when the Hon'ble Minister said that, he stated that that was not the fact.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I shall first of all refer to the cut motions of my honourable friend, Mr. Israil. He referred in his speech to three points. First of all he referred to the expenditure incurred by Government in the matter of the briefing of lawyers on behalf of the Crown in the matter of the Dacca Enquiry Committee. I quite understand my honourable friend's anxiety on this score, but that is a matter with which I am not concerned. It is a heritage from the past and if the engagement was made by Government unless Government is a continuous institution I must accept the legacy.

The second point which my honourable friend raised was in connection with the briefing of some pleaders from Bogra with regard to certain cases in Dinajpur. As a rule, these matters are decided by the Legal Remembrancer in the final instance in consultation with the District Magistrate who in his turn consults the District Judge. I do not know the facts of that case, but it may quite be that the magnitude of the case was of such a character that it was necessary in the interests of the Crown to engage the services of a good lawyer and that step probably was undertaken: (A VOICE: A junior pleader.) He may be a junior pleader, but a junior man need not necessarily be one who is tolerably less intelligent and less scholarly than a senior man.

Sir, the third point made by my honourable friend was in connection with the panel of pleaders at Alipore. I must confess that I have not looked into the matter, but if there has been any sacrifice of the interests of any particular community, that is a matter which surely will be considered by me. But I might tell my honourable friend that the Communal Ratio Rules do not in letter apply to the appointment of the panel of pleaders. Still if there is any grievance of any particular community with regard to the composition of a particular panel in a particular district, that is a matter which I must direct my attention to.

Then, Sir, I will deal with the two cut motions moved by my honourable friend Dr. Sanyal. I do not understand my position. Shall I deal with both of them or shall I deal with the second of them, namely, with regard to the payment of fees, which I said before and I repeat now, is pending before a tribunal of this province? If it is the latter, the position is this. There has been an unfortunate case where a servant under the Crown has been convicted under section 355 of the Indian Penal Code and sentenced to pay a fine of Rs. 200, in default simple imprisonment for two months. (Dr. NALINAKSHA SANYAL: Why is it unfortunate?) This is not the final position. The final position is this: This matter is subject to an appeal and review and in this matter that appeal and that review is pending.

Dr. NALINAKSHA SANYAL: That is not the point at issue.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Well, Sir, whatever may be the point at issue is a matter for the Deputy Speaker to decide and Dr. Sanyal is not yet the Speaker of the House.

Dr. NALINAKSHA SANYAL: I am clarifying things for your brain.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: No clarification is necessary. Notwithstanding my dearth of intelligence all these points are perfectly clear to me.

Sir, when there was a complaint lodged against this gentleman, he was a public servant. He is a public servant today and therefore if the services of Mr. J. K. Mukherji were requisitioned for the purpose of defending a public servant, I cannot say that Government was there wrong. If it is discovered that this public servant loses the immunity as a public servant by virtue of a finding of the ultimate court in appeal, in that event two consequences are likely to follow. The first consequence is disciplinary action against the public servant concerned and the second consequence is bound to be that he will have to refund the fees paid to lawyers appearing on his behalf because in that event it will be held by a competent tribunal that he has not acted as a public servant and that therefore he loses all the benefits and immunities of a public servant. That stage has not yet arrived. There was a very difficult question of law involved in this case and that was whether or not the previous sanction of the Local Government under section 197 of the Criminal Procedure Code was necessary. As you are aware, Sir, in cases where a servant under the Crown purports to act as a servant under the Crown, if there is a criminal prosecution launched

against him, the normal procedure, so far as I am aware, is that the previous sanction of the Provincial Government becomes necessary under section 197 of the Code of Criminal Procedure. In this case that procedure was not resorted to. The matter went up before the District and Sessions Judge who in his wisdom said that such a sanction was not necessary.

Dr. NALINAKSHA SANYAL: Why, because it was not a matter in which previous sanction of the Provincial Government was necessary.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, the matter is now pending before the Hon'ble High Court. I did not misguide the House, and I said nothing which was untrue. The question whether or not this gentleman acted as a public servant is yet to be determined by the highest tribunal of this province.

(Interruption.)

So far as the Hon'ble High Court is concerned, at one time it was thought that the services of the Advocate-General should be requisitioned for the purpose of defending him. There a technical difficulty arose. This gentleman was asking for a transfer of the case from the court where his case is now pending to some other court. In that case, the usual procedure is if the High Court is satisfied that there are *primâ facie* grounds for the transfer, it may direct the District Magistrate of the district where the case is pending to show cause why the case should not be transferred to another court or tribunal in any other district. In that event it is open to the District Magistrate to require the services of a Crown lawyer.

Dr. NALINAKSHA SANYAL: I have not entered into the merits of the case. I submit that the Hon'ble Minister is entering into the merits of the case. I have specifically raised one issue and that is whether the Crown has spent any money on lawyers who have appeared to defend this gentleman in a case where he has been convicted and whether in the appeal case also there is one lawyer appearing for the gentleman who is going to be paid by Government. I submit that it will be prejudicing the case if the Hon'ble Minister is permitted to go into the merits of the case.

Mr. I. A. CLARK: On a point of order, Sir. We on this side of the House wish to hear what the Hon'ble Minister has to say on this very important question, and it is impossible to follow the debate in a proper way if my friend Dr. Sanyal jumps up every two seconds and interrupts the Hon'ble Minister.

Mr. DEPUTY SPEAKER: That is no point of order.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Before Dr. Sanyal performed one of his usual acrobatic feats, I was trying to show to the House that in this matter the services of the Advocate-General had not been given to the Crown servant because of the technical difficulty which might possibly arise. This gentleman has engaged the services of a private lawyer of great eminence—I am not mentioning his name. (Interruption.) If it is discovered that the court has come to a definite finding that the accused person is one who is not entitled to the immunities of the Crown officials

or the benefit of the Crown official, and if the Hon'ble High Court is of opinion that no previous sanction of the Provincial Government is necessary in that event the question of refund will arise. But this is a matter which is very important constitutionally because all the Crown officials are under the impression that if any proceedings are to be taken against the Crown officials purporting to act as Crown officials in that event previous sanction of the Local Government is necessary. This is the first case of its kind so far as I am aware where it has been held that previous sanction of the Local Government is not necessary. Sir, it relates to the question of the rights of Crown officials. This is a matter, therefore, where the services of Mr. J. P. Mukherjee were engaged by the Legal Remembrancer in accordance with rule 2(2), Chapter XL of the Legal Remembrancer's Manual, and the fee in question has been paid, but the question of refund of the fee is bound to arise in case the decision of the ultimate court of appeal goes against the Crown official. (Interruption.)

Dr. NALINAKSHA SANYAL: What about the first question raised by me?

The motion of Maulvi Muhammad Israil that the demand of Rs. 1,70,000 under the head "27—Administration of Justice" during the current year be reduced by Rs. 100 was then put and lost.

Mr. DEPUTY SPEAKER: Coming to item No. 15——

Dr. NALINAKSHA SANYAL: Sir, I would request you kindly to put the two parts separately.

Mr. DEPUTY SPEAKER: Yes.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 1,70,000 under the head "27—Administration of Justice" during the current year be reduced by Rs. 100 was then put and lost.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 1,70,000 for expenditure under the head "27—Administration of Justice" be reduced by Rs. 100 (to raise a discussion on the appointment of the present Legal Remembrancer superseding the claims of senior officers) was then put and a division called.

(After the ringing of the Division bell was over when the motion was again going to be put.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, Dr. Sanyal moved his cut motions and there were two standing in his name. But he concentrated his remarks on No. (2), namely, that on Mr. Pollard's case——

Dr. NALINAKSHA SANYAL: That is not a fact.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I did not say Dr. Sanyal did not move his first motion; what I wanted to say was that he concentrated his remarks on Mr. Pollard's case and the Hon'ble Minister-in-charge replied to those remarks only: it was not his intention to let the House have the impression that he had nothing to say regarding Dr. Sanyal's cut motion No. (1). Sir, it is a very important question that has been raised and something must be said on that point, and I hope the Hon'ble Minister-in-charge will be permitted to make a statement on that point.

Mr. DEPUTY SPEAKER: But, I am sorry, this is not the stage when you should raise that point. I entirely agree that the Hon'ble Minister should be given the opportunity to make a full statement, but it was for the Hon'ble Minister concerned to make that. If that has not been done at the proper time, I am not to blame.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I am not blaming anybody. What I want to say is that I was present here throughout, and I definitely recollect that you in your wisdom put the first part of Dr. Sanyal's motion to vote when a division was claimed. The whole thing happened in the twinkling of an eye before I could meet all the points raised by Dr. Sanyal.

Dr. NALINAKSHA SANYAL: Sir, we cannot allow this kind of observation to go unchallenged. I would request you to refer to the proceedings where you will find that I had drawn your attention to the very important question of the appointment of the Legal Remembrancer and I had asked the Hon'ble Minister to give a reply to it.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, the cut motion in question refers to the appointment of the present Legal Remembrancer, Mr. Sharpe. This particular appointment must go to a member of the Indian Civil Service——

Dr. NALINAKSHA SANYAL: Is it a reserved post?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, constant interruptions from Dr. Sanyal make it impossible for me to speak

Mr. DEPUTY SPEAKER: Well, Mr. Banerjee, interruptions are not ordinarily permissible but sometimes moderate interruptions are permissible.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: This particular appointment is reserved for members of the Indian Civil Service under the rules framed by the Secretary of State; secondly, this appointment was made by His Excellency the Governor in pursuant to the powers conferred upon him by section 246(2) of the Government of India Act in the exercise of his individual judgment. It is true that the present incumbent was junior to three members of the Indian Civil Service—the first was Mr. S. N. Modak, the second was Dr. Waight, and the third was Mr. De. Sir, the last Legal Remembrancer and Judicial Secretary died on the 9th of December, 1942. At that time Mr. S. N. Modak, who is just junior to late Mr. Younie, the last Legal Remembrancer and Judicial Secretary, was on medical leave having been found disqualified by the Medical Board and at that time the temporary appointment of the present Judicial Secretary was made by His Excellency the Governor in the exercise of his individual judgment. The question of appointment relates to the Home (Political) Department. The Hon'ble the Chief Minister and myself were of opinion that Mr. Modak might be appointed and we tendered advice to His Excellency.

Sir, appointments like these, I am told, are not made always on the ground of seniority, but the question of merit comes into operation. I

could not say anything about the work of any of these distinguished members of the Indian Civil Service. His Excellency, in the exercise of his judgment, has made the appointment, that is to say, the appointment of the present Legal Remembrancer.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I add a word or two. When this advice was tendered, we had consultation and so far as Mr. Modak was concerned, I had the privilege and the advantage of knowing him personally and I had the highest opinion of his merits as a judicial officer. I, therefore, agreed with the Judicial Minister tendering that advice to His Excellency.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 1,70,000 for expenditure under the head "27—Administration of Justice" be reduced by Rs. 100 was then put and lost.

The motion of Hon'ble Mr. Pramatha Nath Banerjee that a sum of Rs. 1,70,000 be granted for expenditure under the head "27—Administration of Justice" during the current year was then put and agreed to.

28—Jails and Convict Settlements.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,43,000 be granted for expenditure under the head "28—Jails and Convict Settlements" during the current year.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 5,43,000 for expenditure under the head "28—Jails and Convict Settlements" be reduced by Rs. 100. I move this to raise a discussion on the grievances of persons arrested under the Defence of India Rules, including—

(*a*) Indiscriminate application of the Defence of India Rules;

(*b*) Prolonged detention as undertrial prisoners of those against whom cases are instituted;

(*c*) Indefinite detention and conversion as security prisoners under rule 26 without proper enquiry into the cases;

(*d*) Unsympathetic treatment in some jails, *e.g.*, Barisal, Dacca and Rajshahi;

(*e*) Failure to grant adequate family allowances;

(*f*) Inadequate provisions for clothing, food, medical aid, interviews, leave on parole, etc.;

(*g*) Forced detention in areas within enemy range of attack and bombing;

(*h*) Absence of any machinery for regular review of the cases with a view to early release and enquiry into the grievances; and

(*i*) Failure to give effect to the revised rules for security prisoners as promised in the Assembly.

Sir, my motion itself is a speech. I do not propose to inflict on the House a long speech on this motion because this itself is self-explanatory and many of the items covered by this motion have during question time and elsewhere been discussed.

Sir, I would only invite the attention of the Hon'ble Minister-in-charge to a conference held some time ago with my Leader and certain members of the Council of Ministers and officials in the Writers' Buildings where we submitted a written note on these grievances. I would invite the attention of the Hon'ble Minister to the fact that up to date my Leader has not received any reply to the observations made and the note he submitted thereon, although he was promised he would be given a written reply very shortly. Not to speak of a reply, he made a personal appeal, and so did I, to be furnished with one up to date corrected copy of the Bengal Security Prisoners Rules and even that has not been supplied. We do not propose to raise big questions. But all these questions are vital and they have agitated the public mind to a very great extent.

Sir, to one or two other matters also I may be permitted to draw the attention of the House, namely, that members of this Legislature who are in detention and who can legitimately claim to at least have their right exercised to vote in connection with the election of the Speaker or the election of members of the Council from the Assembly, are being detained and debarred from exercising those votes. We have been told that these members are detained only as a precautionary measure—not even preventive, that is to say, there is not even a vestige of suggestion that they have done or are likely to do anything harmful to the Province. Yet, Sir, although they have been detained as a precautionary measure, we are faced with a situation in which on Monday, when we are having the election of the Speaker, we will be deprived of having their valuable suggestions in that connection. Shortly thereafter we will have the election to the Council and then also we are likely not to have them in our midst to enable them to elect proper persons to the Council. Moreover, there are members of this House under detention who have applied for parole leave for one or two days to enable them to see their dying mother or ailing wife. Mr. Satyapriya Banerjee's mother died and he was not permitted to go and see his mother even in her death-bed. Mr. Sibnath Banerjee has applied and repeatedly asked Government to allow him to see his wife who is dangerously and seriously ill. The police have made enquiries and found that she is actually very seriously ill and yet not even one day's leave is being granted to see his wife who is almost in death-bed.

Sir, this is a state of affairs which is extremely unfortunate and unfair. I know that Mr. A. K. Fazlul Huq has got a large heart and he is sympathetic. I would only expect that he at least would enquire into these cases in a manner that such grievances will not remain unremedied. We submit, Sir, that the grievances that have been catalogued require very serious attention and we would expect the Hon'ble Minister concerned to

give us adequate remedy and not mere promises. Sir, if proper remedy cannot be given by him, let him openly and frankly take the House into confidence and say "I am powerless. I have done my best. I am trying to do my best. I am prepared to go to any length necessary, but I am being prevented by some unknown force or forces which I am not in a position to supersede."

Babu NAGENDRA NATH SEN: Sir, may I support his motion? The Hon'ble Home Minister has asked for a supplementary grant. This relates to the treatment of security prisoners. During question-time the matter cropped up. No one knows what are the rules which are to guide the security prisoners. I have got a copy of the Rules from the Library. The Hon'ble Minister referred to the Bengal Security Prisoners Rules, 1940—this is for official use and not for sale and it is marked "Confidential" here and there. With what propriety can the Hon'ble Home Minister ask the sanction of this House for the expenditure of a sum of money—not a small sum—with respect to some of which the honourable members of this House have no knowledge at all? Security prisoners themselves do not know how they are to conduct themselves while in jail. I do not know if the heavens would have fallen if copies of this book had been publicly advertised for sale so that the security prisoners may know their own lot and position, and their friends and relations can also form an idea. If there is any divergence from the rules in the conduct of the security prisoners, they can be arrested and put into prison. For these reasons, Sir, I submit that this demand should be rejected.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that the demand of Rs. 5,43,000 for expenditure under the head "28—Jails and Convict Settlements" during the current year be reduced by Rs. 100.

Sir, I do so in order to raise a discussion about the failure of Government to give effect to the recommendations of the Jail Industries Enquiry Committee. The Jail Industries Enquiry Committee was constituted about four years back, and after very careful deliberation and after having toured the province and having visited almost all the central jails in the province the committee submitted to Government a very comprehensive report and in the report embodied some very useful suggestions and dealt with practically all aspects of jail life. The committee took into consideration three aspects of jail life, first, to make life in jail habitable, secondly, to make the industries in the jail self-supporting and, thirdly, to enable the convicts to have some vocational education, so that when the convicts come out they will be able to earn a decent livelihood. But, unfortunately, in spite of the fact that the report has been submitted to Government over a year back, the report has not been published by Government on the plea that paper economy prevents them from the publication of the report. I submit, Sir, that this paper economy point is a foolish question, so far as this particular point is concerned, because the recommendations of the committee are calculated to lessen the burden on the Provincial Exchequer. What I want to

say, Sir, is that if the recommendations of the Jail Industries Enquiry Committee are accepted then the amount spent on jail convicts in Bengal will be lessened, because the jail industries will be put on a profitable basis.

Apart from that there is another important question with which the committee has dealt, and that is to make the life of convicts less troublesome than what it is now. The recommendations include the abolition of such industries as oil (Mr. ABDUL WAHAB KHAN: *Ghani.*).....yes, *ghani* and also *atta* grinding. These two recommendations should have been accepted by Government long ago, but unfortunately Government are still wasting time.

Apart from this there is the other important question about enabling the convicts to earn their livelihood after they come out. That is also very important and should have been seriously considered, but Government are still remaining silent. The committee is of opinion that if the recommendations are given effect to, the amount spent by Government in maintaining jails and convict settlements will be lessened by 33⅓ per cent. This is a very important question and I hope that the recommendations of the committee will be accepted by Government.

(Rai Harendra Nath Chaudhuri rose to speak.)

Mr. DEPUTY SPEAKER: Mr. Chaudhuri, if you amend your motion in this way, namely, to raise a discussion about foodstuff and clothing, etc., then the motion will be all right.

Rai HARENDRA NATH CHAUDHURI: That will not be necessary, Sir. As a more comprehensive motion has been moved, I do not want to move my motion, but I would press upon the attention of Government the injustice of keeping this question undecided for so long a time. Sir, it is wrong, certainly wrong to keep more than 1,500 persons in prison without trial and, Sir, that wrong is multiplied hundred-fold by not giving them adequate allowance. The question of giving adequate allowance to the security prisoners is engaging the attention of the Government for a long time. Yet, no satisfactory solution has been arrived at. We urge the Government to come forward immediately with a solution of this question. Sir, it is a question that cannot brook any further delay when the prices have gone so much up. In fact an adequate solution of this question is overdue.

Mr. CHARU CHANDRA ROY: Sir, I want to make some observations.

Mr. DEPUTY SPEAKER: Mr. Roy, the difficulty is that the time at our disposal is very short. Under the Governor's Rules we have to finish the entire supplementary budget by 6-30 p.m. on the 1st March. I suggest, therefore, that honourable members who want to move motions will speak for 7½ minutes and anybody wanting to support a motion will speak for five minutes, and I will allow the Hon'ble Minister concerned to speak for 15 minutes. Mr. Roy, if you want to speak you may, but you must not exceed five minutes.

Mr. CHARU CHANDRA ROY: All right, Sir. মাননীয় ডেপুটী স্পীকার মহোদয়! যে প্রশ্ন আজ ডাক্তার নলিনাক্ষ সান্যাল মহাশয় উঠিয়েছেন জাতীয় জীবনে গভর্ণমেণ্টের পক্ষে এর চেয়ে বড় কলঙ্কের কথা আর কিছু নেই। আজ হাজারের উপর লোক অপরাধী বা নিরপরাধ—কেননা এদের অপরাধ সাব্যস্ত করা হয় নি এবং সেই জন্য আমি বল্‌তে বাধ্য তারা নিরপরাধ, তাদের শুধু precautionary measure হিসাবে আটক কোরে রাখা হয়েছে। তাছাড়া অনেক জায়গায় দেখা যাচ্ছে যে তাদের পারিবারিক অবস্থা সম্বন্ধে যদি enquiry কর্‌তে পাঠান হয় তাহলে সহানুভূতিসূচক কোন রকম enquiry report আসে না। এই হাউস্ শুনে অবাক্ হবেন যে ১৫৲।২৫৲।২৫৲ টাকা কোরে allowance দেওয়া হচ্ছে, যখন চাউলের মণ ১৬৲।২৭৲ টাকা চল্‌চে। তার পর এই ১৫৲।২৫৲ টাকা allowance এর মধ্যে ছেলেপিলেদের লেখাপড়া, ডাক্তার খরচ এ সমস্তই আছে। এই সব বন্দীদের মধ্যে অনেকেই তাদের পুত্র পরিবারের ভবিষ্যতের জন্য লাইফ্ ইন্‌সিওরেন্স্ কোরেছিলেন। গভর্ণমেণ্ট সেই লাইফ্ ইন্‌সিওরেন্সের প্রিমিয়ম পর্য্যন্ত দিচ্ছেন না। Policy lapse হয়ে যাচ্ছে। আমি সোজা কথায় জিজ্ঞাসা ক'র্‌তে চাই গভর্ণমেণ্টকে যে তাকে precautionary measure নেওয়ার জন্য আটক রাখা হ'তে পারে, কিন্তু তাদের পরিবার কি অপরাধে অপরাধী যে তাদের কিছু দেওয়া হবে না এবং অনাহারে কষ্ট দেওয়া হবে। এই সমস্ত বিষয়ে আমরা আজ দুই বৎসরাধিক কাল থেকে মাথা কুট্‌চি কিন্তু কিছুই হয় নি। আমরা স্যার নাজিমুদ্দিনের আমলেও মাথা কুটেছি, কিছুই হয় নি। আমরা মনে করেছিলাম যে বর্ত্তমান সময়ে কিছু কাজ হবে। কিন্তু দেখ্‌ছি সেই গতানুগতিক ভাবই চলেছে। আমরা promises পাই কিন্তু কিছুই হয় না।

এখন আমরা হোম্ মিনিষ্টার সাহেবকে জিজ্ঞাসা কর্‌তে চাই এ বিষয়ে তাঁর কোন কর্ত্তব্য আছে কি না। কর্ত্তব্য যদি থাকে তিনি কেন কোর্‌তে পার্‌ছেন না তা শুন্‌তে চাই এবং তিনি ভবিষ্যতে কোর্‌বেন কি না তাও জান্‌তে চাই।

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will begin by referring to the Bengal Security Prisoners Rules and I may tell the House——.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. It is the convention of every parliamentary House that no document can be referred to if that document is not readily available to members. I may point out that in spite of repeated requests this book is not yet available to members.

The Hon'ble Mr. A. K. FAZLUL HUQ: Will you please hear me? Three copies of the Bengal Security Prisoners Rules with amendments made up to date have been sent by Government to be placed on the library table, and what is more we have decided to publish the Bengal Security Prisoners Rules in the *Calcutta Gazette* for general information.

Now, Sir, my honourable friend Mr. Charu Chandra Roy has said that we have not done and that we have not been able to do anything to give satisfaction to the public demand that the lot of security prisoners must be improved or that the grievance of the public regarding arrests and detentions must be removed as far as possible.

Now, Sir, may I very respectfully tell the House that in this matter of security prisoners' arrest, detention or release, I am really being asked to reconcile two sets of strong public opinion and as Home Minister I am

really being asked to do something which is humanly impossible. I am perfectly prepared, if I fail to do my duty, to walk out, but I must tell the House the exact constitutional position before charges and counter charges are made. I am constantly asked to explain my position. The position is absolutely clear. Under section 49 of the Government of India Act, the Executive Government——.

Dr. NALINAKSHA SANYAL: Section 52.

The Hon'ble Mr. A. K. FAZLUL HUQ: No. Under section 49 of the Government of India Act, the Executive Government is carried on by His Excellency the Governor personally or through his subordinate officials. It makes no mention whatsoever of Ministers. A Special Bench of the Calcutta High Court presided over by Lord Chief Justice with Mr. Justice Rau have definitely held that Ministers are not subordinate officers in the sense in which the expression is used in that section, and that they are merely to give advice. The position, therefore, is that there is His Excellency on the one side and the permanent officials who carry out the order of His Excellency the Governor in respect of the Executive Government on the other. They get the Ministers sandwiched between them and these Ministers can do the utmost that is possible only by offering advice. It is well-known that there are three classes of cases—one class in which advice is sought and accepted, another class in which advice may be sought and not accepted, and the other class in which advice may not at all be sought, leave alone the question of acceptance.

As regards the security prisoners, the present is an occasion of extreme urgency in various matters, because we are passing through abnormal times in consequence of the war. The Defence of India Rules have given powers which Governors did not previously enjoy. The Government of India Act *plus* the Defence of India Rules give to Governors and the Executive Authorities powers which they cannot exercise in normal times. If in these circumstances the Military authorities or the Police in the Intelligence Branch or any other Department give the advice that Dr. Sanyal should be put in custody——.

Dr. NALINAKSHA SANYAL: Why do you take my name every time?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am sorry, but I have to take a concrete case. Supposing they say that it is essential to keep Dr. Sanyal in custody to ensure peace and tranquillity, I submit that in the last resort the decision of His Excellency must prevail. There had been cases in which I thought that neither arrest nor detention was justified. I have tendered that advice to His Excellency. But in the exercise of his individual judgment or discretion, whatever it may be, he has thought fit to override my advice.

Dr. NALINAKSHA SANYAL: Shame, shame.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not responsible for that.

Dr. NALINAKSHA SANYAL: Shame on those who override your advice.

Mr. DEPUTY SPEAKER: "Shame" is not a parliamentary expression.

The Hon'ble Mr. A. K. FAZLUL HUQ: Just as I have the right to consider on the merits of the case that detention was not justified, the Governor overriding my advice has also the perfect right of holding that it was justified not merely from the point of view of my advice but also from the point of view of advice tendered by others——.

Dr. NALINAKSHA SANYAL: Who are not legally entitled to give any advice.

The Hon'ble Mr. A. K. FAZLUL HUQ: Under the Statute the Governor has the right to ask for facts on which he can form his judgment. Well, Sir, the order is passed and the man is kept in custody. Once the man is in custody, it becomes a duty of the Minister to see that he is given proper attention and that he has no reason for any grievance which need not exist. In any case it becomes the duty of the Minister to see that consistent with the requirements of public safety the prisoners kept in custody may be made as comfortable as possible and from that point of view the question of occasional leave, the question of allowance, the question of allowance to family members, etc., are of the utmost importance, and if in these matters there are reasons for complaint, I most respectfully submit that I have always been ready, willing and most anxious to remove those causes of complaint, whenever they are brought to my notice. Here and now I give a solemn undertaking that if I am convinced that a prisoner is suffering hardship unnecessarily in jail I shall do my best to remove that. If I do not, any member will be at liberty to expose my action by putting questions in this House.

I have not been able to make out a complete list, but I will read to the House very briefly what I have been able to do in these matters.

The existing rate of diet allowance of 9 annas 6 pies per head per day has been raised to 12 annas with effect from August 1, 1942.

I am of opinion that this increase is not enough, and I am trying to take steps to see that it is further increased.

The existing scale of clothing has been increased by one dhoti, one genji, one pair of woollen socks, and one extra pair of sandals.

The limit of private cash permissible to a security prisoner in jail has been raised from Rs. 10 a month to Rs. 20. Permission has also been granted for the pooling of these funds for the benefit of all the security prisoners in any particular jail should the prisoners so wish.

It has been decided to liberalize the policy of the Government with regard to the grant of family allowances by sanctioning them not only in cases of absolute and proved necessity but also in cases in which it can be

proved that the detention of the individual has deprived the family of a legitimate source of income or has resulted in the family's falling into debt.

I may mention to the House that up till now a sum of Rs. 75 per month has been granted to the family of a security prisoner.

Dr. NALINAKSHA SANYAL: Only in one case.

The Hon'ble Mr. A. K. FAZLUL HUQ: It may be one case.

It has been decided to permit security prisoners confined in different jails within the Province to correspond with one another provided such correspondence is strictly limited to personal and private matters subject to the usual censorship.

The security prisoners have been permitted to write four and receive eight letters per week in place of two and four, respectively, as hitherto.

It has been decided to make the censorship of letters and newspapers less rigorous.

Books on Communism written in a scientific spirit will be permitted to the security prisoners.

Dr. NALINAKSHA SANYAL: It is something. What about interviews? Have you got a note on that?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has been decided that where considerations of humanity such as a serious operation on, or critical illness, of a near relative render it desirable the security prisoners should be temporarily released from jail on such conditions as circumstances of the case appear to warrant.

The concession is, however, ordinarily given consistent with the necessity of securing public safety. Well, Sir, in these matters the opinion of the District Intelligence Branch and the Criminal Investigation Department ——(Dr. NALINAKSHA SANYAL: Prevails!) yes, prevails. A final decision on two further matters relating to allowances is expected to be reached shortly after which the rules will be published *in toto* as stated above. We believe that the modifications of these rules which represent considerable concessions will be generally recognised as leaving no reasonable ground for further complaint, and I hope my esteemed friend, Mr. Roy, will realise that within the limited opportunities given to us by the Government of India, further restricted by the Defence of India Rules, we have done something to which we can point and say that we have at any rate made an honest attempt to meet public opinion in this matter.

Mr. CHARU CHANDRA ROY: What about life insurance premiums?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, that is a point to which my attention has been drawn and it is being considered.

Now, Sir, I have got many things to say but I do not know whether I will be given time to say that.

As regards the unsympathetic treatment I may say that the allegation is somewhat vague. If definite cases are made out I shall be prepared to consider them not merely with sympathy but with a view to seeing that grants can be made in such cases. Before I sit down I can only say that I have to work under considerable limitations. It must be understood that provincial autonomy does not mean that I can do whatsoever I like. In many cases I have to act contrary to what I could have done, had I been left free to decide my course of action. In these cases there are lots of difficulties in my way, but I do feel that the best course for me would be to walk out and if the moment does arise I will not be slow to adopt that course because I am fed up with the position which refuses me the opportunity to concede to what I know to be public opinion in view of the overriding consequences which have been imposed upon me as a result of the war.

Dr. NALINAKSHA SANYAL: In view of the statement that has been made by the Hon'ble the Chief Minister I do not press my motion to vote

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 5,43,000 for expenditure under the head "28—Jails and Convict Settlements" be reduced by Rs. 100 was then, by leave of the House, withdrawn.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, my friend Khan Bahadur Mohammed Ali has referred to the recommendations of the Jail Industries Enquiry Committee. The Committee submitted their report on 18th December, 1941, but the publication and consideration of the report has got to be held in abeyance till after the war on account of the acute shortage of paper and the impossibility in the present emergency of any of the recommendations being given effect to. That is the position.

The motion of Khan Bahadur Mohammed Ali that the demand of Rs 5,43,000 for expenditure under the head "28—Jails and Convict Settlements" be reduced by Rs. 100, was then put and lost

The main motion of the Hon'ble Mr. A. K. Fazlul Huq that a sum of Rs. 5,43,000 be granted for expenditure under the head "28—Jails and Convict Settlements" during the current year, was then put and agreed to.

29—Police.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 21,42,000 be granted for expenditure under the head "29—Police" during the current year.

Maulvi MUHAMMAD ISRAIL: Sir, I beg to move that the demand of Rs. 21,42,000 for expenditure under the head "29—Police" be reduced by Rs. 100. Sir, I move this motion with a view to raising a discussion about the policy of the Government in the reorganisation of the Civic Guards.

So far as the Civic Guard organisation itself is concerned, we in the villages have found it merely on paper. We have been told that the unit will be the union board and that in every union board there will be a Civic Guard Union. In actual practice, however, up till now we have not found any Civic Guard organisation in the villages, particularly in areas adjoining or very near to the enemy-occupied territories. So far as the Civic Guard organisation is concerned, we do find that there is no existence of any Civic Guard there. Further, Sir, the manner in which these Civic Guards are being recruited is not at all satisfactory. In my own subdivision of Kishoreganj we find that the Civic Guard organisation is not working satisfactorily and has not satisfied public opinion there. Naturally, Sir, the people of Kishoreganj did not agree to serve as Civic Guards. I hope, Sir, Government will now take steps to see that people from all communities are recruited in the Civic Guard organisation in the subdivisional and other small towns, and that it enjoys the confidence of the public.

With these words, Sir, I commend my motion to the acceptance of the House.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that the demand of Rs. 21,42,000 for expenditure under the head "29—Police" be reduced by Rs. 100. Sir, I move this motion with a view to raising a discussion about recruitment and payment of allowances to Civic Guards.

Sir, these two questions are interdependent because recruitment to a great extent depends upon the allowance paid to the Civic Guards. Here in the city of Calcutta payments have been made on a daily basis and no attention has been paid to the proper selection of the recruits and, therefore, people have not got any confidence in these Civic Guards. The Civic Guards who have been appointed are there purely for the purpose of maintaining law and order, but for that purpose even it is essential that they should enjoy the confidence of the people of Calcutta, but, as circumstances stand at present, they do not.

In the first place, Sir, I suggest that Civic Guard volunteers should be given proper allowances. At present the amount paid is 6 annas per day per Civic Guard. This is too meagre a sum, particularly in these days when the cost of living has risen to a prohibitive height. I suggest that the allowance should be at least doubled, if it is not possible to fix it on a monthly basis. And if that is done, suitable recruits will be forthcoming.

Then, Sir, there is another point to which I should like to draw the attention of Government. Civic Guards have been in existence for two years now and the Civic Guard authority have had sufficient time already to examine the position. It is time now to weed out the undesirable recruits and to train the desirable ones. Government should revise their policy regarding the recruitment of Civic Guards and they should also increase the rate of allowance with a view to securing a better type of men who will fully enjoy the confidence of the citizens of Calcutta.

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, I do not propose to move the motion standing against my name nor will Mr. Israil

move his amendment No. 24 in view of the position explained by the Hon'ble Minister early in the question time. We may, however, take this question up at the time of Budget Demands if in the meantime a satisfactory solution of the problem is not arrived at.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am glad for the remarks that have been made by Mr. Israil and Khan Bahadur Mohammed Ali and I may suggest to them a solution. I know the grievances to which reference has been made, and I may say at once that some of the remarks are justified. I think it will satisfy the honourable members who have raised the discussion if I tell them that I propose to hold a conference with the leaders of different parties in order to discuss the situation arising out of the Civic Guard activities in this province. They are a very important part of the organisation, and it is necessary that their efficiency should be brought to the highest level. As I have said, some of the remarks are justified, and we are looking into this question, and it would help us if suggestions are given to me, and if the idea of the conference materialises I hope we will be able to come to a satisfactory conclusion.

Khan Bahadur MOHAMMED ALI: In view of the reply given—it is an encouraging reply and the Hon'ble Minister has admitted that these grievances are legitimate and he will look into the matter—we want the permission of the House to withdraw our motions.

The motions of Maulvi Muhammad Israil that the demand of Rs. 21,42,000 for expenditure under the head "29—Police" be reduced by Rs. 100 and Khan Bahadur Mohammed Ali that the demand of Rs. 21,42,000 for expenditure under the head "29—Police" be reduced by Rs. 100 were then, by leave of the House, withdrawn.

The motion of the Hon'ble Mr. A. K. Fazlul Huq that a sum of Rs. 21,42,000 be granted for expenditure under the head "29—Police" during the current year was then put and agreed to.

Mr. DEPUTY SPEAKER: Mr. Basu, you move your motion for "Extraordinary Charges."

The Hon'ble Mr. SANTOSH KUMAR BASU: We thought that "Medical" would now be taken up.

Dr. NALINAKSHA SANYAL: We have already given our intention that we take up "Extraordinary Charges" next.

The Hon'ble Mr. SANTOSH KUMAR BASU: But that was the arrangement by the Whips of Government.

Dr. NALINAKSHA SANYAL: Whips of Government have nothing to do. It is the privilege of the Opposition to select cut motions.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I have to enter a protest because Government have got to know just what the position is.

Dr. NALINAKSHA SANYAL: Government is supposed to be prepared for everything.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Government is not supposed to be prepared for everything. It is most unfair on the part of the Opposition not to give us notice even of half an hour as to what subjects we are to concentrate upon. Sir, you should ask the Opposition to give notice to Government as to the items on which to concentrate, otherwise the position is extremely embarrassing.

Mr. DEPUTY SPEAKER: Mr. Banerjee, the practice is that the Opposition will get the privilege of choosing their motions. If it is their intention, they may or they may not move. I got a note signed by the two Whips of the Opposition. I handed this over to the Whip of the Government, and I requested him to intimate to the respective Ministers. It is not my fault.

Mr. YUSUF MIRZA: Sir, I was given to understand that "Medical" will be taken up first. This chit must have been given to you a little later.

Dr. NALINAKSHA SANYAL: That slip was all along with him.

The Hon'ble Mr. SANTOSH KUMAR BASU: So far as I am concerned, I was told about two minutes ago that the next item will be "Medical," and I was prepared for the same.

Dr. NALINAKSHA SANYAL: You must have been misguided by your Whip.

The Hon'ble Mr. SANTOSH KUMAR BASU: I would appeal to you, Sir, as the Deputy Speaker of the House, to see that no surprise is sprung upon Government in the way in which it is being sought to be done in the exercise of what is called their rights and privileges.

Mr. DEPUTY SPEAKER: Mr. Basu, the difficulty is that I will have to finish Government business and the guillotine will fall on Monday at 6-30. It is better that you agree with the Opposition. "Extraordinary Charges," "Police" and such others are very big items. There are other minor items on which probably the Opposition will not move cut motions. So it is better to take up these bigger items first.

Mr. SURENDRA NATH BISWAS: Mr. Deputy Speaker, the practice in the past has been that the selection of the cut motions of course rested with the Opposition, but the whole House should have an opportunity to know beforehand which cut motions are being moved in the House. Not only the Ministers but the members of the Government Party are entitled to know which cut motions are going to be moved first. If the Opposition springs a surprise, how can the members on this side of the House do justice to the disposal of the motions? We pray that you will be kind enough to enquire from the Opposition which motions they are going to move and also let us know about them.

Mr. DEPUTY SPEAKER: I am sorry, it is not my business. We circulated these cut motions and for paper economy I gave instructions not to reprint. The motions will be chosen by the Opposition, and it is the business of the Government Whips to ascertain all these things.

Dr. NALINAKSHA SANYAL: Let Government choose their own motions. We do not want to waste the time of the House.

Mr. DEPUTY SPEAKER: Yes, Mr. Basu, you can move "Medical".

38—Medical.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 27,000 be granted for expenditure under the head "38—Medical" during the current year.

The motion was then put and agreed to.

40—Agriculture.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 17,95,000 be granted for expenditure under the head "40—Agriculture" during the current year.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that the demand of Rs. 17,95,000 for expenditure under the head "40—Agriculture" be reduced by Rs. 100. Sir, I move this motion to raise a discussion about the failure of the "Grow More Food" Campaign.

In this connection I want to submit that it is known to everybody that this "Grow More Food" Campaign has totally failed and a very peculiar situation has been created, specially after the publication of the report of Government that there is a shortage of practically one-third of the essential food requirements of the province. The other day, in reply to a question put in the Upper House, the Hon'ble Minister stated that the present stock of supply of food-grains is almost two-thirds of the requirement of the province. Therefore, the Government have been criminally negligent of the essential requirements of the people of this province.

In this connection, Sir, I want to submit that instead of issuing posters, circulars, etc., Government might have profitably utilised the officers in a more successful way by utilising the services of the man-power which we have in the province. At the present moment Bengal has to feed not only her own people but a standing army of several lakhs and, therefore, there is an additional strain on her food resources. In other countries, the army which is not working in the battle-field has been utilised for cultivation of lands that are fallow. In this province we have a large standing reserve of man-power which if Government so desire could profitably be utilised in bringing under cultivation fallow and barren lands that are lying in the province. We have large and vast tracts of such lands which could have been brought under cultivation but which actually have not been so brought under cultivation. If the army which is at the present moment

stationed in many parts of East Bengal could be utilised effectively, we would have no difficulty in producing the normal requirements of the province. Sir, I make this suggestion with full responsibility, and I hope that Government will accept it. I would go so far as to say that this practice is in vogue in many other countries of the world.

Sir, there is another thing. Government could have released a large portion of the land which is now under cultivation of jute if they had fixed a proper quota. But they have failed to do so. The actual sowing of jute has already started and more land has been utilised for jute. Government have fixed 8 annas jute acreage instead of 4 annas and have also encroached upon land which could have been profitably utilised for the cultivation of paddy and other food-grains. I submit, Sir, that Government have failed to supply proper seeds for food-grains, vegetables and rice. They could have effectively tackled this problem instead of spending money by appointing highly paid officers who have done nothing except issuing pamphlets, circulars and posters which have been utilised only for the purpose of preparing paper bags and containers at the time of purchase in *hats* and bazaars of this province. No useful purpose has been served by this waste of money. I think Government will do well in accepting my suggestion and utilising the services of the huge man-power that we have lying idle in the ranks of the army at the present moment.

Mr. DEPUTY SPEAKER: Dr. Sanyal, are you moving your motion?

Dr. NALINAKSHA SANYAL: No, Sir. I shall only speak on this motion. I would invite the attention of the Hon'ble Minister concerned to the catalogue of items on which large amounts have been proposed to be spent under "Grow More Food" Campaign. The first is a scheme for extending the use of departmental paddy seeds amounting to Rs. 9 lakhs and 74 thousand. I have grave doubts if this money will be well spent. It has come to my notice that the Director of Agriculture has, so far as this is concerned, got sanction and has himself applied for distribution of 48,000 maunds of *aus* paddy seeds only. It passes one's comprehension how with a paltry amount of 48,000 maunds of *aus* paddy the campaign for increasing the production of earlier varieties of paddy in the coming season can be achieved.

We have secondly to note that Rs. 1,50,000 is proposed to be spent within the current year on departmental seeds of mustard, lentil and grams. I would like to know the details as to how this money is proposed to be spent—who are the agents appointed for purchase of these seeds and what are the men and the materials by which the distribution will be organised. It has been brought to our notice that in the selection of parties who are to supply Government with seeds certain considerations other than efficiency and absolute business qualifications come in, and as a result proper distribution is bound to be jeopardised.

Thirdly, there is an amount of Rs. 3,28,000 provided for distribution of potato seeds. Here I do realise that in Bengal there is great necessity for improving the production of potatoes and last year in the season through

which we are passing there was a great dearth of potatoes. But I would like to have more detailed explanation as to how and wherefrom this seed was obtained and distributed. We are already surprised to find that Rs. 1 lakh was proposed to be spent. I do not know if it has actually been spent. Mere provision in the Budget does not mean actual expenditure before the 31st March of this current year.

Rupees 1 lakh is proposed to be spent on distribution of English vegetable seeds. I do feel that it has been a great stride from Mr. A. K. Fazlul Huq's great speech on *kadu* to English vegetables. It has been a great improvement indeed. But in this connection also, we feel that this "Grow More Food" Campaign will not lead to anything but spending or wantonly wasting money on things which are not so much needed, while denying money on things which are much more necessary for our villagers.

Fourthly, Sir, we notice a scheme for purchase and distribution of improved seed cuttings of sugarcane involving Rs. 3,16,000. So far as distribution of sugarcane seedlings is concerned, I do not know whether you would call this amount an expenditure under "Grow More Food" Campaign. Of course sugarcane improvement is necessary. I do realise that, but it is an entirely different issue. It does not surely relieve people from starvation when they have to solve the acute problem of meeting their food requirements. I submit, Sir, that we require more light on these issues and therefore I support this motion.

Maulvi MUHAMMAD ISRAIL: Mr. Deputy Speaker, Sir, so far as the food problem is concerned, I want to draw the attention of the Hon'ble Minister to one thing particularly. This is the month of *Falgun* and the season for sowing *aus* paddy has pretty far advanced. Now if we want to have a "Grow More Food" Campaign in the province in the practical sense of the word we must supply *aus* seed. I do not know whether the Hon'ble Minister is aware of the fact that due to distress in the country the cultivators have to consume their own *aus* paddy seeds. In my own subdivision of Kishoreganj I am aware of the fact that no less than 15,000 to 16,000 maunds of paddy seed will be required. I have personally written to the Director of Agriculture, Bengal, for supplying seeds to the extent of 8 to 9,000 maunds in my own subdivision, but I have not received any reply. Unless *aus* paddy seeds are supplied, it is no use to have it on paper and make propaganda here and there to grow more food. Government has already done a great mischief by fixing 8 annas jute acreage in the province. Previously, I am told that it was departmentally communicated confidentially that there would be 10 annas acreage and a United Provinces message gave it as 5 annas. But ultimately by the middle of February we found that Government decision was to extend it to 8 annas and that superseded the recommendation of the Standing Committee which recommended 4 annas. I cannot understand how the "Grow More Food" Campaign can be intensified if 8 annas jute crop is allowed to be grown. Government has issued a press note stating to the people that they can grow rice and other food crop on the land reserved for jute, but it is

commonsense that the people will not do that. What the people at present require is the provision of seeds, particularly of *aus* paddy, and also of *rabi* crops. That can be more profitably sown in the months of *Falgun* and *Chaitra*. There is one kind of potato which is used by the people for their meal, but it is not available. This should also be supplied to the people. My earnest request and appeal to the Hon'ble Minister will be that Government will be failing in their own duty in the "Grow More Food" Campaign, unless they supply *aus* paddy seed to the cultivators just at the present moment. If the Government repeat the same thing as they did in giving loans to the small growers of jute this year, and if they do not provide also *aus* paddy seeds in time and if they come out in the month of *Baishak* or thereafter, then the entire thing will be a farce. Out of Rs. 18,77,000 estimated for the "Grow More Food" Campaign Rs. 9,24,000 was allocated for paddy seeds. I think that this sum will be a mere drop in the ocean.

There is another difficulty which I want to point out. What the Department of Agriculture has done is this. They want to have the paddy seeds from the local area, but I may tell the Hon'ble Minister that paddy seeds are not at all available in the local area this year, particularly in my own subdivision of Kishoreganj. I have examined the situation, and I have met many of the cultivators there. Everybody says that he has not yet one *kottah* or *chittak* of paddy seeds. If they want to have seeds from the local areas and distribute them to the local people it must be an absolute failure. They must buy the seeds from an area other than Kishoreganj and distribute them particularly in the district of Mymensingh. I hope they will take steps to buy paddy seeds from elsewhere.

Rai HARENDRA NATH CHAUDHURI: Sir, I have got only one word to add to what has been said by other speakers. Sir, last year a provision of Rs. 18 lakhs was made for the "Grow More Food" Campaign, and this year in the Budget before us that provision has been omitted. We do not know what results were achieved or were expected to be achieved by this expenditure. The "Grow More Food" Campaign was started more than a year ago, but apparently nothing resulted from that. Rather the result was in the opposite direction. It is undeniable that if any "Grow More Food" Campaign is seriously undertaken that campaign will have certain effect on rice production at least, because that is the principal food crop. But we find that although the campaign was started more than a year ago, last year in spite of that campaign, there were less acres under winter rice than before. Sir, will you believe it that according to the second forecast of winter rice crop nearly 8 lakhs of acres less came under winter rice this year than in the year before? In 1941-42 the total area under winter rice, which is the principal rice crop, was 16,914,000 and in the year 1942-43 only 16,181,000 acres. That means there were nearly 8 lakhs of acres less under winter rice. If the "Grow More Food" Campaign continues to show such progress then surely there should be no provision for this campaign at all. On the contrary, persons who have been responsible for wasting a large amount of public money should be brought to book. Out of 27

districts of Bengal 15 districts have definitely less acres under rice—24-Parganas, Murshidabad, Burdwan, Bankura, Midnapore, Hooghly, Rajshahi, Dinajpur, Jalpaiguri, Darjeeling, Rangpur, Pabna, Malda, Dacca, Faridpur. These are the 15 districts in which there was no improvement so far as the area under winter rice was concerned. It may be noticed that many of these districts are jute districts also. In that case the Government ought to have the foresight to fix the area under jute properly if they are anxious for the success of the "Grow More Food" Campaign. You cannot grow more food and more jute at the same time. Government ought to take that into their consideration in framing their policies with regard to jute-growing and with regard to food campaign.

Mr. ADWAITA KUMAR MAJI: Mr. Deputy Speaker, Sir, আমি এই অতিরিক্ত ব্যয় বরাদ্দ সম্বন্ধে বলতে চাই যে যেভাবে বীজ সরবরাহ করা হয়েছে তাতে "Grow more food" campaign কে successful করবার জন্য যা ব্যবস্থা দরকার তার কিছুই হয় নি। আমি জানি বর্দ্ধমান জেলায় আলু বা অন্যান্য সমস্ত বীজ বারদে যা ধরা হয়েছিল তার কিছুই সরবরাহ করা হয় নি। তা ছাড়া "Grow more food" কে successful ক'রতে গেলে বীজ সরবরাহ যাতে পর্য্যাপ্ত পরিমাণে হয় তার ব্যবস্থা দরকার। কেবল Union Board আফিসে বা ষ্টেশনে বা গ্রামের কোন এক জায়গায় প্লাকার্ড দিলে চলবে না। সেই ধানের বা আলুর বা অন্য ফসলের জন্য যা বীজ দরকার তা পাওয়া চাই।

আমার মনে হয় যেভাবে "Grow more food" campaign চলেছে প্লাকার্ডে, সংবাদপত্রে বা হ্যাণ্ডবিলে সেভাবে কায্য করলে পর "Grow more food" এর কিছুই হবে না। অধিকন্তু আমরা দেখতে পাচ্চি যে আমাদের বাংলা দেশের অনেক জায়গায় শস্যের গুরুতর অভাব হয়েছে। "Grow more food" campaign successful করবার জন্য বীজ সরবরাহ গ্রামের সমস্ত চাষীদের নিকট বিতরণ করা দরকার এবং সেই সঙ্গে নূতন নূতন জিনিষের চাষ করবার প্রণালী শিক্ষা দেওয়া দরকার। আমার মনে হয় কৃষি বিভাগের যে formula সেইমত হয়ত এখনও কিছু scheme করা হয় নি। তাছাড়া পশ্চিম বঙ্গের কথা বলচি। সেখানে ছোট ছোট খাল বিল দিয়ে সমাক সেচের ব্যবস্থা ক'রলে সেই সমস্ত মাটিতে সব রকম শস্য উৎপাদন ক'রতে পারা যায়। কিন্তু এদিকে গভর্ণমেণ্ট এখনও পর্য্যন্ত নজর দেন নি। কাজেই আমি বলতে চাই যে বীজ সরবরাহ ব্যবস্থার যে অপব্যবহার হয়েছে এবং লোকে যে বীজ পায়নি গভর্ণমেণ্ট সে বিষয়ে বিশেষ তদন্ত কোরে দেখবেন। "Grow more food" campaign successful করবার জন্য চাষীর দিকে নজর দিতে হয়।

আমার আর একটী বক্তব্য যে আগামী বৎসর ঝড়ে আখ নষ্ট হওয়ায় গুড়ের অভাব হবে। কাজেই আগামী বৎসরের জন্য আখের বীজ সরবরাহ অবিলম্বে করা দরকার। গুড় যদি বেশী হয় তা'হলে চিনির অভাব মিটতে পারে।

Mr. SURENDRA NATH BISWAS: Sir, I believe that it is a common grievance that the "Grow More Food" Campaign has not succeeded up till now. Khan Bahadur Mohammed Ali has rightly complained that the services of the Government officers alone will not be effective to make this campaign a success. I would therefore suggest that the services of the members of this House who represent the rural areas should be utilised in this direction, and any member who is willing to help this campaign may

be encouraged by being given some allowances by Government. I say this not jocously but seriously. We know, Sir, that the people of the country do not attach much importance to the speeches or instructions of the Government officers. And it is therefore, I suggest, that the services of the members of the rural constituencies should be utilised by Government in any way in which this campaign is acceptable both to the members of the Legislature and to the people of the country.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Mr. Deputy Speaker, Sir, before making any replies to the points raised by the honourable members in the course of their arguments, I will place before the House the measures adopted by the Government for this "Grow More Food" Campaign. First, there was a committee formed for this purpose consisting of officials and non-officials and some members of this Assembly so that they could advise the Government as to the measures to be adopted for the successful carrying out of this propaganda. Similarly, Sir, district committees were formed with the District Magistrate as Chairman, including officials and non-officials of the district.

Maulvi MUHAMMAD ISRAIL: Not in all the districts, not at least in my district Mymensingh.

Mr. ABDUL WAHAB KHAN: Nor do we know, Sir, of any such committee in Bakarganj.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, I hear from the honourable members that every district has not yet adopted this measure, but I hope that the District Magistrate of every district in Bengal will see to the formation of such a committee in his district soon. I frankly admit, Sir, that I am in charge of this department only for the last few days; I do not as yet know the ins and outs of this department. But one thing I can——

Khan Bahadur MOHAMMED ALI: On a point of order, Sir. A very important discussion is taking place with regard to the food supply of the province, but the Hon'ble Minister says that he is in charge of this department only for the last few days and that he does not know anything about it——

Mr. DEPUTY SPEAKER: But what is your point of order?

Khan Bahadur MOHAMMED ALI: My point of order is whether the Hon'ble Minister is in order to give a reply like that or whether the House is entitled to hear the Minister who has been administering this department.

Mr. DEPUTY SPEAKER: I am sorry, I cannot force a Minister to give reply suitable to a party.

Khan Bahadur MOHAMMED ALI: Sir, we would rather like to hear from the Minister who had been in charge of the department for years.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Please hear me. I am placing before the House the measures that were adopted by the Government and what they intend to do in future.

Khan Bahadur MOHAMMED ALI: Sir, this is a supplementary budget estimate and so we are not concerned with the future.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Then, Sir, a Propaganda Officer was appointed by Government for co-ordinating and consolidating the propaganda and to advise the District Officers.

Dr. NALINAKSHA SANYAL: And started the propaganda in Firpos.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Now, Sir, an intensive propaganda by posters, slogans and leaflets and talks in village *hâts* and bazaars was carried on by the Government machinery Schemes were sanctioned for encouraging the sowing of paddy, pulses, potatoes, English vegetables and sugar-cane, etc.

Then, Sir, as to the distribution of seeds and other matters, the honourable members said that this "Grow More Food" Campaign has not been successful. Of course, I appreciate the force of that argument, but I do not fully agree that it has not been successful.

Dr. NALINAKSHA SANYAL: No, no.

Khan Bahadur Maulvi HASHEM ALI KHAN: Please listen to me with patience and you will understand.

As to the point raised by Mr. Chaudhuri that the acreage was reduced in 1942-43 in comparison to 1941-42, I think honourable members know that every tenth year in Bengal is a year of bumper crop and 1941-42 had a bumper crop, and in 1942-43 in spite of all efforts of, and measures taken by, Government for increasing the acreage as a result of which the cultivators cultivated more acres of land, on account of unfavourable weather conditions and dearth of rains in many places most of the seedlings were destroyed and therefore the cultivators could not grow more food——

Dr. NALINAKSHA SANYAL: No, no, that is not the position.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Those of the honourable members who have toured in rural areas covering hundreds of miles have found many new lands under cultivation. But to our misfortune the standing crops of many lands were destroyed which may account for lesser acreage to some extent.

As to the distribution of seeds, *aus* paddy seeds, my friend, Maulvi Muhammad Israil, has said that these seeds should be supplied at least before the sowing season. I fully appreciate that suggestion, and I have already issued orders to the Director of Agriculture that seeds should be issued immediately as soon as applications come forward. But, Sir, there are difficulties in this direction also. Now, Sir, if I supply Bakarganj seeds to Mymensingh, that will not do. Each locality requires a particular type of *aus* seed and unless that particular type is supplied, it will be of no

use. We have to find out proper and suitable seeds for particular areas from the neighbouring districts or neighbouring thanas or unions, as far as available. As to the supply of *aman* seeds the same method has also to be applied, and I can assure the honourable members that before the next sowing season for *aman* crop sufficient quantity of *aman* seeds will be supplied to the cultivators when the proper time comes.

Mr. A. M. ABDUL HAMID: So far as the supply of *aus* paddy seeds are concerned, the time is already past.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I know that it is time to sow *aus* crop and the seeds will be supplied within a week.

Dr. NALINAKSHA SANYAL: What quantity?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: What is the available quantity I do not know.

Mr. A. M. ABDUL HAMID: May I know what is the quantity for Pabna district so far as *aus* seeds are concerned?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: The *aus* crop failed in most parts of the province last year and even if I get *aus* seeds from Assam, Orissa and Bihar, I do not know whether the cultivators will accept them. That is the difficulty I am trying to find out suitable seeds for suitable lands, and you will realise the difficulties on the part of Government.

Maulvi MUHAMMAD ISRAIL: Did the Director of Agriculture take any steps for supplying seeds?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: He must have taken necessary steps.

(At this stage the Hon'ble Minister reached the time-limit and resumed his seat.)

The motion of Khan Bahadur Mohammed Ali that the demand of Rs. 17,95,000 for expenditure under the head "40—Agriculture" be reduced by Rs. 100 was then put and lost.

The motion of the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan that a sum of Rs. 17,95,000 be granted for expenditure under the head "40—Agriculture" during the current year was then put and agreed to.

18—Other Revenue Expenditure financed from Ordinary Revenues.

The Hon'ble Mr. SHAMSUDDIN AHMED: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 71,000 be granted for expenditure under the head "18—Other Revenue Expenditure financed from Ordinary Revenues" during the current year.

The motion was put and agreed to.

10—Forest.

The Hon'ble Mr. UPENDRA NATH BARMAN: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 3,84,000 be granted for expenditure under the head "10—Forest" during the current year.

The motion was put and agreed to.

11—Registration.

The Hon'ble Khan Bahadur Maulvi ABDUL KARIM: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 55,000 be granted for expenditure under the head "11—Registration" during the current year.

The motion was put and agreed to.

41—Veterinary.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 13,000 be granted for expenditure under the head "41—Veterinary" during the current year.

The motion was put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, in view of the large number of cut motions being held over for being taken up on Monday, may I submit that you might be pleased to take up the cut motions first, that is at 3 p.m., when we re-assemble on Monday and allow us to proceed with the cut motions up to 6 p.m. when we agreed that guillotine will fall. From 6 we may proceed with the election of the Speaker.

Mr. DEPUTY SPEAKER: That was the common agreement.

Adjournment.

The House was then adjourned at 1-10 p.m. till 3 p.m. on Monday, the 1st March, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 1st March, 1943, at 3 p.m.

Present.

MR. Deputy Speaker (MR. SYED JALALUDDIN HASHEMY) in the Chair, 7 Hon'ble Ministers and 218 members.

STARRED QUESTION

(answers to which were laid on the table)

Travelling allowances paid to the members of the Progressive Coalition Party.

***81. Khan Bahadur MOHAMMED ALI:** (*a*) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether it is a fact that members of the Progressive Coalition Party were paid travelling allowances for attending Party meetings from Provincial Exchequer?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the Table a statement showing—

(*i*) the number of occasions on which such travelling allowance were paid;

(*ii*) the number and names of members that drew these allowances;

(*iii*) the total amount spent for the purpose;

(*iv*) the rates at which travelling allowance and daily allowance were paid;

(*v*) the head under which the expenditure was charged; and

(*vi*) the rule under which such payments were made?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes

(*b*) (*i*) Once

(*ii*) and (*iii*) A statement is laid on the Library Table.

(*iv*) Only three first class fares for the double journey—no other allowances.

(*v*) "25—General Administration—Civil Secretariat—Travelling allowance (Voted)".

(*vi*) There is no specific rules. *Ad hoc* Orders of Government have issued sanctioning the travelling allowance.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister in charge be pleased to state what were the purposes for which these members were called?

The Hon'ble Mr. A. K. FAZLUL HUQ: For various reasons. First of all we had to consider the effect of the orders passed under what is called the Denial Policy affecting the movement of boats and various other matters. Secondly, Sir, the question of rise of price in the necessaries of life was becoming very serious and prices were mounting up and we wanted to have a full discussion of the situation and the advantage of knowledge of things prevailing in the mufassil in order to enable us to come to a decision. Then, Sir, the question of jute acreage was considered with reference to the "Grow More Food" campaign and the general situation on these matters had to be discussed. These were the reasons why the party members were called up.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister in charge be pleased to state if any member other than those members of the Coalition Party was called to attend this meeting?

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. A. M. Hamid from Pabna.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether any such allowance was given to the members during the time of the previous Ministry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot remember.

Mr. A. M. ABDUL HAMID: I was called only through mistake and when I came to attend the meeting, I was asked to go away.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as that is concerned, I do not know. I saw him sitting. Certainly I do not know if anyone asked him to go away. I am very sorry if that was done.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it was the only occasion on which the party members were paid travelling allowance?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, that was the only occasion.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what were the decisions in that meeting and whether those decisions were given effect to by the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: The decisions at that meeting were arrived at after discussion and recorded in the form of resolutions which were published in the press.

(The next question was called, and Dr. Abdul Motaleb Malik and Mr. Tamizuddin Khan wanted to put more supplementaries.)

Mr. DEPUTY SPEAKER: It was arranged by agreement that questions will be over in half an hour's time. We have got lots of questions.

Mr. TAMIZUDDIN KHAN: This is a very important question and other questions won't take more than ten minutes.

Mr. DEPUTY SPEAKER: All right.

Mr. TAMIZUDDIN KHAN: I want to put several questions and if I put two or three questions in one sentence I hope there will be no difficulty.

Mr. DEPUTY SPEAKER: You put your questions. I will see whether that will be proper.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether the members of the European Group were invited to attend that meeting?

The Hon'ble Mr. A. K. FAZLUL HUQ: They were not, because we were discussing questions entirely relating to the mufassil about which we did not think that we should trouble the members of the European Party.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state what recommendations of that meeting were accepted by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: That question I am not prepared to answer. Some were and some were not.

Application of Communal Ratio Rules in services under Government.

***82. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there are castes or communities termed as "Caste Hindus" in connection with the fixation of communal service ratio quota in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are those castes and communities and what is their communal service ratio quota, if any?

(*c*) Will the Hon'ble Minister be pleased to state whether there is any community or communities among the Hindus which are not included either in Caste Hindus or in Scheduled Caste Hindus in connection with the fixation of communal service ratio quota?

(*d*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what are those communities; and

(*ii*) what is their communal service ratio quota, if any?

(*e*) If the answer to (*d*) is in the negative, is the Hon'ble Minister considering the desirability of using the term "Other Caste Hindus and Religions" instead of the term "Caste Hindus" in connection with the communal service ratio quota?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No.

(*b*) Does not arise.

(*c*) Under the Communal Ratio Rules 50 per cent. of appointments are reserved for the Muslims and 15 per cent. for the Scheduled Castes. All other castes or communities come within the category of non-Muslims other than Scheduled Castes and are entitled to the remaining 35 per cent.

(*d*) and (*e*) Do not arise.

Persons detained in jails in Bengal for political reasons.

*83. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of persons detained in various jails and detention camps in Bengal on the 31st January, 1943, or on a later date for which information may be available, as—

(*i*) prisoners convicted of offences connected with the movement following the arrest of the members of the Congress Working Committee in the second week of August, 1942;

(*ii*) under-trial prisoners for alleged offences as stated above, showing separately the number so detained for more than one and three months;

(*iii*) prisoners detained without trial, showing separately the number of—

(1) security prisoners for political reasons,

(2) prisoners not yet confirmed as security prisoners, and

(3) other detenus; and

(*iv*) the number of persons whose movements have been restricted for political reasons?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the procedure that is followed in placing under detention persons without trial; and

(*ii*) whether the Minister in charge of the Home Department is consulted in each case?

(*c*) If the answer to (*b*)(*ii*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) the cases in which he is not required to be consulted stating the (1) constitution, (2) the rules and (3) the provisions of ordinances or enactments, if any, under which he is not so required;

(*ii*) the names of persons, if any, detained without trial against the advice of the Home Minister; or without his knowledge and consent; and

(*iii*) the period for which political security prisoners are proposed to be kept under detention generally, and such of those prisoners who are members of the Legislature, in particular?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 639 on 15th January, 1943.

(*ii*) The details asked for cannot be ascertained without an expenditure of time, labour and stationery which would be unjustifiable in the present emergency.

(*iii*) (1) 1,643 on 28th January, 1943.

(2) 142 on 28th January, 1943.

(3) 2,355 on 28th January, 1943.

(*iv*) 3,052 on 15th January, 1943.

(*b*) The arrests are initially made by police officers in the exercise of powers under the Defence of India Rules conferred upon them (and not on Government). The arrest is forthwith reported to Government for orders in accordance with the requirements of the law and to meet objections made by or on behalf of prisoners and to give them the benefits of the concessions enjoyed by security prisoners pending the consideration of the cases, orders under Defence of India Rule 26(*1*)(*b*) ordinarily issue at once. Later the recommendation of the police officer, together with the materials furnished in support of the recommendation are carefully considered by Government and the orders of detention issued are reviewed and cancelled or confirmed according to the nature of the information against the individual concerned. I am consulted and pass orders personally in all cases in which I consider it desirable or necessary, that my orders should be taken regarding which I have issued general directions.

(*c*) (*i*) As I have indicated arrest under Defence of India Rule 129 is effected in exercise of the powers vested on police officers under that rule (to which I refer the honourable member) and the detention of persons so arrested is regulated by general orders of Government under the same rule prescribing the custody to which they shall be committed. These were promulgated in Government orders No. 4775P., dated the 5th September, 1939, published in the *Calcutta Gazette Extraordinary* of that date and No. 93, dated the 23rd May, 1940, published in the *Calcutta Gazette* of 30th May, 1940.

(*ii*) In view of the answers given, each case of detention must be construed as being initially effected with my knowledge and consent: I am not prepared in the public interest, to state whether the detention of any person has been continued upon review, on a consideration of the information adduced against him, against my advice.

(*iii*) Government have no intention of detaining any person in custody without trial beyond the period during which such detention is considered necessary in the interests of public security.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*i*), namely, "the details asked for cannot be ascertained without an expenditure of time, labour and stationery" relating to the question about "undertrial prisoners for alleged offences as stated above showing separately the number so detained for more than one and 3 months", will the Hon'ble Minister be pleased to state whether or not a statement is regularly prepared and maintained of persons detained in custody in jail for 3 months and for one month and above?

The Hon'ble Mr. A. K. FAZLUL HUQ: These reports are prepared and submitted to Government but they do not come up regularly.

Dr. NALINAKSHA SANYAL: May I enquire if the Hon'ble Minister is aware that in the annual report of the Jails Department a statement showing classified detention of 3 months and more than one month is actually published?

The Hon'ble Mr. A. K. FAZLUL HUQ: Those statements are not punctually made. That is the trouble. If my friend wants me to undertake the ascertainment of this information I am very willing to do so, but it will take some time.

Dr. NALINAKSHA SANYAL: What we submit is this. As we made it clear the other day, a large number of persons are detained as undertrial prisoners for an inordinately long time and the Police are taking time from the court. This is causing great hardship. That is why I put this question.

The Hon'ble Mr. A. K. FAZLUL HUQ: That is true.

Dr. NALINAKSHA SANYAL: The second question is this. Will the Hon'ble Minister be pleased to state, with reference to the actual rules by which under the Defence of India Rules powers were conferred upon the Police officers and not on Government to arrest, whether this rule was framed or prepared by the Provincial Government or by the Central Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not in a position to answer that, but I may look that point up. Speaking from memory it is entirely the Provincial Government, but I will not venture a reply unless I am sure. If my friend wants information, I will give it to him.

Dr. NALINAKSHA SANYAL: There are also many other similar questions. If the Hon'ble Minister wants time to study this question I suggest that it may be held over.

The Hon'ble Mr. A. K. FAZLUL HUQ: It would be very convenient if my friend were to make out a list of his questions and give it to me so that I may come prepared for them.

Dr. NALINAKSHA SANYAL: With reference to the answer that "orders under the Defence of India Rule 26(1)(*b*) ordinarily issue at once" in order to give the concessions enjoyed by security prisoners to the prisoners concerned, will the Hon'ble Minister be pleased to state whether this concession was sought by the prisoners or whether it was a great concession voluntarily *suo motu* extended by the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: In some cases I found that these orders under rule 26 had been passed. I made enquiries and I was informed that between the privileges enjoyed by security prisoners under rule 26 and those enjoyed under rule 129 by others there is a great deal of difference. The prisoners are not consulted. I think that the order under rule 26 places them on a much better footing when they are in custody.

Dr. NALINAKSHA SANYAL: That we realise. We find that you have answered that they are automatically ordinarily converted under rule 26 instead of being permanently detained under rule 129. As you are aware they are arrested and then Government will have to pass orders about their continued detention. It is stated that this continued detention is done in the ordinary course without the papers being looked into by Government

at that stage, and it is justified or sought to be justified by the statement that this is done in order to provide the prisoners themselves with privileges which are not enjoyed by them under rule 129. Will the Hon'ble Minister be pleased to state if there was any other remedy to improve the lot of the detenus under rule 129 than by making them permanently security prisoners?

The Hon'ble Mr. A. K. FAZLUL HUQ: One way that suggested to myself is this: there may not be any distinction between the privileges under rule 129 and rule 26, but as the rules at present stand what happens is very briefly this. There are a large number of cases which take some time for scrutiny, one by one, to find out whether they come under rule 26 or rule 129——

Mr. K. NOORUDDIN: On a point of order, Sir. Can a candidate be actively canvassing before the election takes place?

(No reply.)

The Hon'ble Mr. A. K. FAZLUL HUQ: It takes some time. We think that during the period that a prisoner is in custody he enjoys some privileges and it is worth while considering whether we should not do away with the distinction between the order under rule 129 and order under rule 26, in other words as soon as a prisoner is arrested under rule 129 he may have the privileges as he should have under rule 26. This is a point worth considering.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that as a result of the present arrangement of the police being empowered to arrest anybody and automatically detaining him beyond the scheduled and statutory limits, abuses are taking place in which even without any sufficient reason whatever the police are arresting a number of innocent persons?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is possible, rather it is probable that these things happen. I do not go so far as to say that these things do not happen; in some cases they may happen.

Dr. NALINAKSHA SANYAL: With reference to question (*b*), namely, whether the Hon'ble Minister is consulted in each case and his reply thereto that he passes orders personally in certain cases, may we enquire if the Hon'ble Minister issues orders in all cases, because he has said there are certain general orders issued and only in such cases in which the Hon'ble Minister considers it desirable or necessary his orders are taken. That shows that not all cases are put up to him.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I refer to the general order under which the cases of the members of the legislature must invariably be put up before me as privileged persons. As regards other cases, I ask for lists of arrests and if I find that there are certain gentlemen about whom I personally hold this view that it is unlikely that they might be guilty, the general order given is that as quickly as possible the order under rule 129 should be converted into order under rule 26 and then all the cases should be brought up before me.

Dr. NALINAKSHA SANYAL: Sir, may I invite the attention of the Hon'ble Minister to answer (*c*)(*i*) in which he refers to Government order No. 4775P., dated the 5th September, 1939, and to the Government order No. 93, dated the 23rd May, 1940, published in the *Calcutta Gazette* of 30th May, 1940? Now, will the Hon'ble Minister be pleased to state if in the first order merely the authority to detain is mentioned and that the second order cannot be traced in the Gazette referred to?

The Hon'ble Mr. A. K. FAZLUL HUQ: I did not verify the Gazette. It may be that the honourable member is right. I am sorry if reference has been made to something which does not appear there.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*)(*iii*), namely, that Government have no intention of detaining beyond the period absolutely necessary, will the Hon'ble Minister be pleased to state what is the machinery set up by Government—either by Tribunal or otherwise—to ascertain that a person is not being detained beyond the period absolutely found necessary?

The Hon'ble Mr. A. K. FAZLUL HUQ: After the Tribunal reported, there is no machinery at the present moment. But if petitions are received from the prisoners or through their friends, I take up the questions and discuss with the Inspector-General as to whether the prisoner can be released or not.

Petition for family allowance by a security prisoner.

***84. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Mr. Preoranjan Das Gupta, B.COM., a security prisoner now detained in the Jalpaiguri Jail, has made several petitions to the Hon'ble Minister for an allowance to his family?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the allowance applied for, has been granted?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry was made as to the conditions of his family;

(*ii*) if so, who enquired and with what result; and

(*iii*) what was his income per mensem at the time of his arrest?

(*d*) Is the Hon'ble Minister considering the desirability of granting him family allowance?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) No.

(*c*) (*i*) Yes.

(*ii*) Enquiries by local officers reveal that the joint family is being maintained by the elder brother of the prisoner and their uncle, who is on some war service and sends his remittance of Rs.100 per mensem to his wife.

(*iii*) Fixed salary of Rs.40 per month as a temporary clerk in the Accounts Department of the Calcutta Corporation from the 13th September, 1941, till the date of his arrest on the 5th December, 1941.

(*d*) No.

Mr. CHARU CHANDRA ROY: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the Government will have the courtesy to reply to the petitions or letters sent by the security prisoners to the Government?

Mr. DEPUTY SPEAKER: That is a matter of opinion, Mr. Roy.

Mr. CHARU CHANDRA ROY: Very well, Sir; I will put it in a question form. Do the Government generally send orders that they pass on the petitions made by the security prisoners to the security prisoners themselves?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think the orders are communicated to the security prisoners.

Mr. ATUL CHANDRA SEN: With reference to answer (c)(*ii*), will the Hon'ble Minister be pleased to state whether he is aware that even in a joint family when an earning member loses his income his dependants receive scanty or no consideration at the hands of the remaining earning members?

The Hon'ble Mr. A. K. FAZLUL HUQ: That certainly may happen in many cases.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether he is satisfied that in such cases the families of security prisoners should receive proper consideration from Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a question on which I cannot say one way or the other; but if the honourable member has got any materials in his possession that there is real hardship in any particular case or cases, I will be pleased to go into such cases to see what can be done.

UNSTARRED QUESTIONS

(to which oral answers were given)

Employment of women inoculator in Bengal.

30. Mr. DHIRENDRA NATH SEN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there are no women employed by the Government to give anti-cholera inoculation to women in villages?

(*b*) Is the Hon'ble Minister considering the desirability of employing women for this purpose?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu): (*a*) Yes.

(*b*) No.

Mr. D. N. SEN: Sir, it has been noticed that womenfolk in villages for obvious reasons are unwilling to appear before male inoculators for vaccination, and in the face of this position will the Hon'ble Minister be agreeable to change his decision?

The Hon'ble Mr. SANTOSH KUMAR BASU: Yes, the decision may be changed when circumstances favourable to a change of decision arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what are the difficulties in employing women inoculators?

The Hon'ble Mr. SANTOSH KUMAR BASU: The difficulties are the following: there is already a dearth of lady doctors and therefore the question of training lady doctors in anti-cholera inoculation does not arise; besides one or two lady doctors cannot be appointed for the work as there would naturally be a demand from other areas for the appointment of such lady doctors; moreover, the pay of the lady doctor should be fixed at a rate higher than that of the male doctors; furthermore, besides there will be the difficulty of providing escorts or carts for lady doctors who cannot be expected to go round in villages of unknown localities.

Arrest of Mr. Debi Prosad Bhaduri.

31. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on the 21st November, 1942, Mr. Debi Prasad Bhaduri, B.L., Agent, Berhampore Bank, Limited, Calcutta Branch, was placed under arrest and since then he is in detention?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for his arrest and continued detention?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that he along with a large number of young men has been placed under trial before the Alipore Magistrate in connection with what is known as the Tollygunge Arms Theft Case?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of times the accused in this case have been produced before the court and remanded again in custody; and

(*ii*) the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*c*) Yes.

(*b*) He was arrested and detained in connection with the Tollygunge Arms Theft Case.

(*d*) (*i*) Seven times.

(*ii*) As police investigation could not be completed.

Dr. NALINAKSHA SANYAL: With regard to the arrest of Mr. Debi Prasad Bhaduri, is the Hon'ble Minister aware of the latest position after the question was sent in?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that after this answer was given, he was acquitted or rather dischargd by the trying Magistrate on the 25th instant and was re-arrested straightway under rule 129 of the Defence of India Rules?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state, after continued detention for more than 4 months when the police found no evidence whatever against him, what were the reasons for his being re-arrested and placed in detention under rule 129 straightaway?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not gone through the case, but I will look into it.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House how many persons were arrested in this connection?

Dr. NALINAKSHA SANYAL: The total number of accused is 19. Is the Hon'ble Minister aware that of the total number of accused—19 persons—Renuka Das, Hemen Mukherjee and others were discharged and let off completely and the others remaining were discharged but re-arrested under rule 129 except two—Gopal Mitra and Mani—who confessed and are being proceeded against?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know.

Supplementary Estimate of the Government of Bengal, 1942-43.

DEMANDS FOR GRANTS.

63—Extraordinary Charges in India.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 29,97,000 be granted for expenditure under the head "63—Extraordinary Charges in India" during the current year.

Dr. NALINAKSHA SANYAL: With regard to my cut motion No. 48, Sir, I feel that this concerns one of the major issues which may be debated at greater length during the budget and in view of the short time available I do not like to press this motion. We will take the matter up during the general budget discussion.

Mr. DEPUTY SPEAKER: Are you moving your next motion?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Sir, I beg to move that the demand of Rs. 29,97,000 for expenditure under the head "63—Extraordinary Charges in India" be reduced by Rs. 100.

Sir, I move this in order to raise a discussion on the appointment of Mr. Justice T. J. Y. Roxburgh as Director of Civil Supplies and of Mr. A. A. McInnes as Food Grains Purchasing Officer.

Sir, I would like to acquaint the House with the circumstances under which these two appointments have been made. The Directorate of Civil Supplies was, as you may be aware, organised in a hurry towards the middle of August and Mr. L. G. Pinnell, the then Additional Commissioner for

Denial Areas, was appointed as the Director of Civil Supplies. We are not aware if in this appointment the Governor had the previous approval or the concurrence of the Council of Ministers. But, Sir, it was an appointment which we did not like to raise any objection to, firstly, because it was confined to one of the senior civil service men in the Province and, secondly, because in spite of all that we feel we know that Mr. Pinnell, the then Director of Civil Supplies, is, and has all along been, a hard-working and honest officer. But, Sir, a few months thereafter, it was noticed that the Directorate of Civil Supplies required some further strengthening and the commercial community in Calcutta as well as the public outside thought that in a matter of such great importance upon which the life of the community depended so largely, suitable Indians would be found to hold the posts. We were very keen on this issue because we thought, not on racial grounds but on grounds of absolute economic necessity, that persons who are not directly acquainted with the needs and requirements of the people of the Province would not be fit to hold responsible posts in the Civil Supplies Directorate. Unfortunately, however, Government in their wisdom thought otherwise and I suppose the Hon'ble Ministers also gave their concurrence to it. They at the time began to think of not merely European officials but were also considering the claims of non-official Europeans in matters of holding important posts, and, Sir, towards the end of December and the beginning of January when it was felt that something should be done to introduce some kind of rationing in the city of Calcutta and suburbs, a small bird whispered that an attempt was being made to give the responsibility of the Civil Supplies Directorate to a person who would not be amenable to control of the Provincial Ministers and in order to avoid the Ministers handling the situation—Ministers who were, after all, the chosen representatives of this Province—a High Court Judge was brought to preside over the functions of the Civil Supplies Directorate. For the first time in the history of this Province, executive work was entrusted to an officer who ordinarily is supposed to be above the influence of the executive part of the Government. This opens up important questions of principle. I have great regard for the ability, integrity and efficiency of Mr. T. J. Y. Roxburgh personally. He had worked with us in one of the Select Committees, a very important Select Committee of this House, namely, in connection with the Money-lenders' Bill and we had the pleasure of working with him and found him how fair-minded, honest and fearless he was. But, Sir, the point at issue is quite different. The point is whether we should permit the High Court of Judicature of this Province to be debased to that extent that they would permit one of their officers to be at the beck and call of the Executive Government of the Province. The judiciary must be kept above such influences.

Sir, my objection, therefore, to the appointment of Mr. Roxburgh is on the ground of a fundamental principle. In other democratic countries, we have found, Sir, that the judiciary is sought to be kept so much apart and aloof from the Executive that High Court Judges are not even permitted to take other jobs after retirement except for special enquiries and the like where judicial knowledge may be necessary.

Moreover, here, Sir, we are not quite sure what is the position of Mr. Roxburgh—whether Mr. Roxburgh has relinquished his post as a Judge of the High Court or the fund he is drawing his salary from and whether he is amenable to the directions issued by the Council of Ministers who in this particular case are supposed to be absolutely within their own sphere of independent activity. This is not a matter for the exercise of special responsibility of the Governor, nor is it a matter for discretion being used by the Governor. Yet my information goes that the Council of Ministers was not even consulted before negotiations were started with the Chief Justice of the High Court without whose sanction this appointment could not have been made. At a very late stage when the appointment was practically a *fait accompli*, the Council of Ministers was very casually consulted by the Governor of the province. Sir, this is another instance of wanton interference with the rights and privileges of a democratic organisation like this House and of the Council of Ministers who are functioning with the confidence of this House. We shall not put up with such interference.

The second instance is the appointment of Mr. McInnes. I have heard that Mr. McInnes is a fair-minded European non-official. I do not quarrel on issues like that. He may be a very efficient person from whom justice can be expected, but my complaint is on different grounds. If, Sir, Government wanted to take the assistance of the business community, it would be only fair to expect that one who was intimately concerned with the affairs of this province, with the trade in grains in which he has to deal should have had preference; and, Sir, even if a non-official European of the type of my esteemed friend Mr. Morgan who is smiling now had been appointed, probably members of this House would not have as much grievance because we know that Mr. Morgan had at one time acquired considerable experience of rural Bengal. (The Hon'ble Mr. SANTOSH KUMAR BASU: He would have to resign his membership.) Not under the present law. But, Sir, the choice was made and here again not with the concurrence and knowledge of the Council of Ministers, not even with the knowledge of the Chief Minister of the province and I believe again specific and definite directions about this appointment were given by the Governor of Bengal without any regard to public opinion in this province. This Mr. McInnes has been provided with a very fat salary practically more than 50 per cent. of what he is reported to have been drawing. He was drawing Rs. 1,400 in his capacity as a Branch Manager of a Bank in Chittagong, but he is now drawing something like Rs. 2,700 in all including a house allowance and a compensatory allowance for income-tax and everything. We do not know where this may lead to. We suspect that there is a deliberate conspiracy to put Europeans in positions of vantage in the Civil Supplies Directorate with some ulterior motive. To that we lay our strong objection, and I would like the Chief Minister to explain the position correctly and properly. Sir, I was informed that this appointment was made without even creating the post itself. The Hon'ble Chief Minister happens to be the Finance Minister also. My little knowledge of the rules of Government leads me to feel that this appointment also has been

very irregular. The post had to be created first with the sanction of the Finance Department, but, Sir, the post was not created and the new appointment was made without the knowledge and concurrence of the Minister in charge of Finance and the Chief Minister of Bengal. Sir, after the appointment was practically completed the Chief Minister was one day waited upon by two important officials at his house because he actually protested and wrote to the Governor a strong letter of protest. Subsequently, I was informed that one of the officers who waited on him noted on the file that the Chief Minister had waived his objections, and thus things go on. Even now, I understand, there is no concurrence of the Chief Minister or the Cabinet to this appointment and the appointment still is there. Not only the appointment is there, but large sums of money are being allowed to be drawn from the Exchequer of Bengal to be spent at his own sweet will by this officer. There appears to be no limit to it. A sum of Rs. 50 lakhs has been paid out with one stroke of the pen to this officer for purchase of food grains. That amount of money was not even sanctioned by the Finance Minister. He did not know the position and we would like to know how we stand in this matter.

With these words, Sir, I move the cut motion.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that the demand of Rs. 29,97,000 for expenditure under the head "63—Extraordinary Charges in India" during the current year be reduced by Rs. 100. I move this to raise a discussion about acquisition of motor cars by the Civil Transport officers and payment of compensation.

Sir, in this connection I have a few observations to make. The Hon'ble Minister has admitted that no scheme was prepared by Government in the matter of acquisition of motor cars and therefore the motor cars were acquired in a haphazard manner with the result that owners of one motor car had to suffer the misfortune of having their cars taken up by Government, whereas owners of three or four motors had gone scot-free. This is a matter of discrimination and this should have been prevented by Government. I think the Hon'ble Minister the other day gave us to understand that he would look into the matter and a better policy would be adopted. I hope that the Hon'ble Minister will remember his promise and see that in future any policy which he outlines on the floor of this House is observed and the owners of motor car will not have their cars taken away by Government unless the cars of the owners of two or three motor cars are taken away first. I hope that this rule will be strictly followed by Government.

Now, so far as the matter of compensation is concerned, it is my information that everything is not fair and above board. A small payment sometimes makes the assessment more than what it normally should be. If a person is not able to pay anything to the persons responsible for assessing the value of motor cars, he does not get the amount which he should normally get. I hope Government will enquire into this allegation and will see that in future there may not be any corruption in the matter of assessment and payment of compensation.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, with regard to the cut motion moved by my honourable friend Dr. Sanyal he has placed his objection primarily on a question of principle. He has nothing to say with regard to the integrity, honesty or the ability of Mr. L. G. Pinnell and Mr. Justice T. J. Y. Roxburgh.

As regards the question of principle, which is involved in the appointment of a Judge of the High Court to an executive post under the Government of Bengal, I am inclined to agree with Dr. Sanyal that such departures from the general policy ought not to be made except under very pressing and abnormal circumstances. Government, I understand, has so far treated the Judges of the High Court with a sense of respect and detachment which is due to them, and if any departure has been made in this case, it has been made under considerations of overwhelming necessity which have arisen in consequence of the abnormal situation relating to supplies. Dr. Sanyal will kindly remember that the expression which he has used, namely, that a High Court Judge should not be made to debase himself to that extent that he should be at the beck and call of the executive,—I will most respectfully submit that this expression will be wholly inapplicable to the post in question. Mr. T. J. Y. Roxburgh has not certainly come to be at the beck and call of the executive, he has come to shoulder the burden of facilitating supplies to this province at a moment when that has become the supreme consideration in the provincial administration. It is work of a non-controversial character; it is work of a very essential character; and it is work which is to say the least of a humanitarian character.

Dr. NALINAKSHA SANYAL: Amenable to Ministerial direction!

The Hon'ble Mr. SANTOSH KUMAR BASU: I am coming to that. Under these circumstances Mr. Roxburgh has agreed to shoulder the responsibility, although I must say with some amount of reluctance. It only shows that his patriotism, his spirit of service, and his sense of fairness got the better of considerations of prestige relating to what ordinarily takes place in normal times. These are the reasons why all these principles to which reference has been made do not apply in this particular case and with regard to this particular appointment. He has been called upon to put his shoulders to the wheel at a time when the whole machinery of the Civil Supplies Department might have fallen into a rut owing to the sudden departure of Mr. Pinnell on deputation, so to say, for the purpose of framing a scheme of supply and distribution in Calcutta which became of such over-riding necessity.

Mr. J. C. GUPTA: Called upon by whom?

The Hon'ble Mr. SANTOSH KUMAR BASU: Called upon by the Government to frame a scheme. (Laughter.) I do not know what has given rise to this laughter in my friends——

Dr. NALINAKSHA SANYAL: Your cleverness!

The Hon'ble Mr. SANTOSH KUMAR BASU: Mr. Pinnell was called upon to shoulder the responsibility of framing a scheme for the supply and distribution——

Dr. NALINAKSHA SANYAL: Excuse!

The Hon'ble Mr. SANTOSH KUMAR BASU: ——a scheme for the supply and distribution of rice in Calcutta in the very abnormal circumstances which have arisen. It was necessary that the day to day administration which is also a very important matter of the Directorate of Civil Supplies had to be carried on by one who was very senior in service and who as my honourable friend Dr. Sanyal has been pleased to describe enjoyed the confidence of the people on account of his integrity and his ability. That was the reason why Mr. Justice Roxburgh had to be brought in.

Now, the question has arisen whether the Chief Minister was consulted.

Mr. J. C. GUPTA: Or your honourable self!

The Hon'ble Mr. SANTOSH KUMAR BASU: So far as myself was concerned I did not at all come into the picture because it is purely a departmental matter being the appointment of an officer in the Commerce and Labour Department. So far as the other Ministers were concerned, they did not also come into the picture unless their responsibilities were attracted. So far as I am concerned, I have nothing whatsoever to do with this matter, and I could not legitimately claim or expect that I should be consulted in the matter. With regard to other Ministers also the same thing applies. The question was whether the Minister in charge was consulted. That was the primary consideration which ought to arise in this connection. Undoubtedly the Minister in charge, the Nawab Bahadur of Dacca, was consulted and he gave his approval. Therefore, so far as the requirements of the constitution were concerned, they were fully satisfied. The next question is whether the Chief Minister was consulted in his capacity as Finance Minister. There also the rules of business have got to be looked into. The Chief Minister was away for the time being in connection with an important conference in Delhi. The matter was so urgent that it could not have waited till the return of the Chief Minister. Under the circumstances the next thing that could be done was done under the Rules of Business.

Dr. NALINAKSHA SANYAL: That is, the Secretary of the Finance Department approved of it.

The Hon'ble Mr. SANTOSH KUMAR BASU: If the Rules of Business provide that in the absence of a Minister the Secretary can dispose of a matter which is of an urgent character and report to the Minister immediately after his return, and if that is done, then the constitution and the rules are satisfied. In this case that was done in these circumstances.

Dr. NALINAKSHA SANYAL: Legally it cannot be challenged.

The Hon'ble Mr. SANTOSH KUMAR BASU: Whatever criticisms have been levelled from the points of view which have been taken by my esteemed friend do not really arise. At the first sight it may look as if something has been done which is extraordinary to a certain extent. But the reason for taking this extraordinary step under extraordinary circumstances I have attempted to explain before the House.

Now, Sir, with regard to the appointment of Mr. McInnes, I find that the necessity for appointing an officer for the purpose of purchasing food-grains on behalf of Government in order to accomplish the task undertaken by Government of securing supplies for the province as a whole arose very urgently when this appointment was made. Government made an attempt to find an experienced man acquainted with the rice trade in Calcutta. The principal dealers were asked whether they could suggest immediately, because the matter could not brook any delay, the name of any man who had expert knowledge of the rice trade, whose personal standing and integrity would be such as to secure immediate confidence of the whole trade and the Government. The reply was that there were very good men but these dealers in the trade were naturally reluctant to mention any name as they were themselves concerned in the trade, and none of them would mention the name of any one although they suggested that men would be available. In these circumstances, the then Director of Civil Supplies approached the Vice-President of the Indian Chamber of Commerce——

Dr. NALINAKSHA SANYAL: That was after Mr. McInnes was selected, and after the protest had been made.

The Hon'ble Mr. SANTOSH KUMAR BASU: No, Sir.

Dr. NALINAKSHA SANYAL: I know all about it because I managed it.

The Hon'ble Mr. SANTOSH KUMAR BASU: I suppose my friend knows something about the Bengal National Chamber of Commerce.

Dr. NALINAKSHA SANYAL: And also about the Indian Chamber of Commerce, because that was jointly done.

The Hon'ble Mr. SANTOSH KUMAR BASU: So far as the Indian Chamber of Commerce was concerned, the Vice-President was approached. He said that he had nobody particularly in mind and could not suggest any name off-hand and that he would put forward names after consulting their Committee. Now it was explained to him on behalf of the Director of Civil Supplies that they were not asking for a nomination but only to know whether there was any person who could obviously be the choice in the circumstances. Then after sometime——

Dr. NALINAKSHA SANYAL: Not after some time, but the very next morning.

The Hon'ble Mr. SANTOSH KUMAR BASU: On 31st December——

Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister be pleased to state whether the Muslim Chamber of Commerce was consulted?

The Hon'ble Mr. SANTOSH KUMAR BASU: Some of these rice dealers who were themselves purchasing agents of Government and were prominent members of the Muslim Chamber of Commerce. That was one of the reasons why, as I have already said, these purchasing agents were reluctant to mention any name.

Dr. NALINAKSHA SANYAL: The purchasing agents were not asked to nominate any name, but only the Chambers of Commerce.

The Hon'ble Mr. SANTOSH KUMAR BASU: I have already said that before. Then we had to fall back upon the Chamber of Commerce.

Dr. NALINAKSHA SANYAL: The Chambers of Commerce sent a protest on the appointment of Mr. McInnes.

The Hon'ble Mr. SANTOSH KUMAR BASU: I am giving you a historical survey of the position as it developed. Then, what happened was that the members of the Sub-Committee of the Indian Chamber of Commerce, through their Vice-President, intimated that they would prefer an Indian gentleman in the Civil Service who would be considered the fitttest person. There was hardly any difference of opinion that that Indian gentleman would be very much qualified and fit for this post by reason of his ability, integrity and experience. But unfortunately he could not be spared and detailed off for the special work of purchase of foodgrains having regard to the fact that his association with the ordinary general work of the Civil Supplies Directorate was of such a character that his services could not be spared without detriment to efficiency in the Directorate.

That was the reason why——

Dr. NALINAKSHA SANYAL: He could not be entrusted with the temporary responsibility of this post!

Mr. A. F. STARK: Order, please.

Dr. NALINAKSHA SANYAL: You are not the Speaker here.

The Hon'ble Mr. SANTOSH KUMAR BASU: His name was not obviously considered for a post which could be of a temporary character at all because the obtaining of foodgrains from the different parts of Bengal would be a function of a somewhat more permanent character, using that word "permanent" in a more or less comparative sense.

Now, as regards the gentleman who was selected, he was connected with a bank in Chittagong, which was of very great standing, as its Manager and, as such, he had to deal considerably with the trade in rice coming from Burma although he was not——

Dr. NALINAKSHA SANYAL: Has he ever seen rice?

The Hon'ble Mr. SANTOSH KUMAR BASU: He has seen rice, eaten rice and digested rice.

The advantage of appointing him was that he was himself connected with rice trade in the capacity of——

Dr. NALINAKSHA SANYAL: That is not true, Sir.

The Hon'ble Mr. SANTOSH KUMAR BASU: I do not like this kind of running commentary on my speech. It is impossible to go on in this way.

Mr. DEPUTY SPEAKER: You know, Mr. Basu, interruptions are one thing and running comments another.

The Hon'ble Mr. SANTOSH KUMAR BASU: I cannot speak at all, Sir, if running comments are made in this fashion.

Mr. DEPUTY SPEAKER: But, I think, it may help you to make suitable replies if you listen to his interruptions.

The Hon'ble Mr. SANTOSH KUMAR BASU: But I cannot listen to interruptions and speak at the same time.

However, Sir, the advantage of having a man of that type was that he had experience of rice trade and rice dealers who were engaged in rice trade without himself being a rice dealer. That was why this selection was considered to be a suitable selection and my friend Dr. Sanyal has given him the credit for honesty and integrity——

Dr. NALINAKSHA SANYAL: We have nothing against him so far.

The Hon'ble Mr. SANTOSH KUMAR BASU: ——and therefore it would be pre-eminently advisable on the part of this House if I may suggest, with great respect if I may say so, that the work of this gentleman as Food Grains Purchasing Officer should not be made difficult by anything said in this House because he is entrusted with very important work which necessarily will be of the good of the province if he achieved success in his task.

With regard to the points raised by Khan Bahadur Mohammed Ali, he has already admitted very generously that I have undertaken to look into the points that he has raised. I have already said that all these grievances will be looked into and that every attempt will be made to remove them.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 29,97,000 for expenditure under the head "63—Extraordinary Charges in India" be reduced by Rs. 100 was then put and a division taken with the following result:—

(After Mr. Deputy Speaker asked the doors to be closed, Mr. A. M. A. Zaman went out of the Chamber.)

Khan Bahadur MOHAMMED ALI: Sir, you asked the doors to be closed, still one member has passed.

Mr. DEPUTY SPEAKER: His vote will not be counted.

AYES—12.

Banerji, Mr. P.
Doloi, Mr. Harendra Nath.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

NOES—86.

Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr. (Khulna).
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahab Khan, Mr.
Abdur Razzak, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Khan, Mr. Syed.
Aminullah, Khan Sahib Maulvi.
Asimuddin Ahmed, Mr.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Banerjee, the Hon'ble Mr. Pramatha Nath.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, the Hon'ble Mr. Upendra Nath.
Basu, the Hon'ble Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Rai Sahib Anukul Chandra.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Dutta Gupta, Miss Mira.
Faziul Huq, the Hon'ble Mr. A. K.
Giasuddin Ahmed, Mr.
Golam Rabbani Ahammad, Maulvi.
Golam Sarwar Hosaini, Mr. Shah Syed.
Goswami, Mr. Tulsi Chandra.
Griffiths, Mr. C.
Gyasuddin Ahmed Chowdhury, Alhadj.
Hasanuzzaman, Khan Sahib Maulvi Md.
Hashem Ali Khan, the Hon'ble Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Jonab Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kumar, Mr. Atul Chandra.
McPherson, Mr. G. P.
Mafizuddin Ahmed, Dr. (Bogra).
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Powell, Mr. J. A.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, the Hon'ble Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Stark, Mr. A. F.
Smith Osbourne, Mr. D. G.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Wordsworth, Mr. W. C., C.I.E.
Yousuf Mirza.

The Ayes being 12 and the Noes 86, the motion was lost.

The motion of Khan Bahadur Mohammed Ali that the demand of Rs. 29,97,000 for expenditure under the head "63—Extraordinary Charges in India" be reduced by Rs. 100 was then put and lost.

The motion of the Hon'ble Mr. Santosh Kumar Basu that a sum of Rs. 29,97,000 be granted for expenditure under the head "63—Extraordinary Charges in India" during the current year was then put and agreed to.

Interest-free Advances.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that a sum of Rs. 79,15,000 be granted for expenditure under the head "Interest-free Advances" during the current year.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 79,15,000 for expenditure under the head "Interest-free Advances" be reduced by Rs. 100.

Sir, I move this in order to raise a discussion on the irregularities in the provision for Rs. 53,00,000 for advance to the Director of Civil Supplies for the purchase of foodgrains, etc. Sir, I do not propose to inflict on the House a long speech in this connection because I have already indicated my line of attack with regard to this item. We found all of a sudden a large amount covering 50 lakhs provided for the purchase of foodgrains and placed at the disposal of the newly-appointed Food Grains Purchasing Officer. The House is entitled to know how this amount was placed at his disposal, when was it sacntioned, whether it got the approval of the Cabinet, for I feel that for a large sum like this to be placed at the disposal of any department, the Cabinet sanction ought to have been taken. My information is that taking advantage of the temporary absence of the Hon'ble the Chief Minister the file was just moved round from the Directorate of Civil Supplies to the Finance Department and from the Finance Department to the Directorate and from the Directorate to His Excellency where this amount was secretly and without the knowledge of the Ministers sanctioned and placed. The actual language reported to have been used on the file was that the Director of Civil Supplies wanted to know if the ways and means——

Mr. DEPUTY SPEAKER: Well, Dr. Sanyal, how could you know the actual language of the secret document?

Dr. NALINAKSHA SANYAL: It is not for the Hon'ble Speaker to know.

Whether the amount was available and there was at that stage no suggestion that that amount was made available and the Secretary of the Finance Department merely wrote on the file that this money may be made available. That was the position, Sir. On that very recommendation of the Secretary of the Finance Department without the knowledge of the Minister concerned, who is the Chief Minister of the province as well as the Finance Minister, straightaway arrangements were made to place the amount at the disposal of the Directorate of Civil Supplies, and what is still more funny is that this sum of Rs. 50 lakhs has been placed in the personal ledger account of Mr. McInnes to be spent by him at his own sweet will without the slightest check from any Government department, from the Directorate of Civil Supplies, the Commerce Secretary or the Local Fund Auditors of the Government.

There is no pre-audit for expenses out of this amount. In the case of every other amount spent by Government the Accountant-General requires that there must be pre-audit, but this placing of the entire sum at the disposal of and in the personal ledger account of this Food Grains Purchasing Officer takes away the Accountant-General's pre-audit control. This is so irregular that audit rules for spending money out of the provincial revenues have been completely disregarded.

I would like the Hon'ble the Chief Minister, who is also the Finance Minister, to place the whole facts before the House, because the House is entitled to know the facts fully when large sums like this are spent.

Sir, I do not raise any objection to the amount being made available for an important work like this. If it is necessary, if the Hon'ble the Chief Minister who is also the Finance Minister thought it necessary to come before the House with a Supplementary Budget or consulted his Cabinet Colleagues and even if larger amounts were found necessary to advance for the purchase of foodgrains to stabilize the price of foodgrains in the Province, I believe every section of the House would readily agree to make available even larger sums. But that was not the point. The point is this, that the amount was made available in a very irregular way and, Sir, it is stated that when things are done by the Governor with an intention unknown to the Ministry, he does it in a surreptitious manner with the concurrence of the Finance Secretary. That was evident also on a previous occasion when the Otto Niemeyer Settlement with regard to this Province was given a go-by and the Provincial Government's concurrence to the same was given by the Finance Secretary at a time when the Hon'ble Minister in charge was not available and a most serious repercussion of that has now devolved on this province. I submit, Sir, that if routine work is to be done, the Finance Secretary may be empowered to deal with routine matters in the absence of the Finance Minister concerned, but it must be made clear that nothing beyond the routine work could be or should be done by the Finance Secretary on his own responsibility without getting into touch with the Hon'ble Minister concerned in advance and there should be no commitment whatever on his part.

Sir, I would like to know definitely whether this amount of Rs. 50 lakhs was placed at the disposal of the Food Grains Purchasing Officer or the Directorate of Civil Supplies with the previous knowledge and concurrence of the Minister concerned. I am perfectly sure that it was not so, because when I asked the Chief Minister, and I asked him personally, he expressed surprise and said, "Is that so? I am surprised that such a large sum has been placed at his disposal." And, Sir, what happened? When I pressed this matter, the Hon'ble the Chief Minister was good enough to make an enquiry and the dove-cots of the Secretariat just moved a bit. Sir, on the 10th January—I will give you the day, that was a Sunday—the Director of Civil Supplies, along with the Secretary of the Finance Department, went and saw the Hon'ble Chief Minister in his house and something transpired there which we do not know, but subsequently we found that the amount was placed and evidently, Sir, although there was no definite order passed by the Finance Minister, the provision was made. There was no order, but there was some entry on the file; probably the Chief Minister had verbally agreed and there was some entry to that effect. I submit, Sir, that whatever might have been done in the past, things of this character must be severely condemned. We will not tolerate interference by the officials or even by the Governor with the rights of the Council of Ministers and the rights of this Legislature. If the Legislature wants to place any amount at the disposal of any department, it is the Legislature that will do it and not the Secretariat or the officials concerned or even the Governor of Bengal.

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards this provision of Rs. 53 lakhs to which objection has been taken I think I have got a more or less satisfactory statement to make. I have listened to the whole of the speech of Dr. Sanyal and in this speech and in the previous one references were made to me as the Finance Minister and certain categorical questions were asked. Sir, I confess I have been extremely unhappy about all that has happened concerning civil supplies ever since the promulgation of the Denial Policy in April, 1942 (Dr. NALINAKSHA SANYAL: Hear, hear). I can only pray to God in all humility that He may forgive me if I failed in my duty to the people of this Province. The problems were very complicated and various factors came in to play which rendered it necessary for the officials to take quick action, and at the same time there were various reasons why action that was taken did not conduce to the best results.

Sir, as regards the officials concerned I gladly admit that most of them were extremely brilliant members of the Indian Civil Service and as regards the non-officials also there are men who have attained the position of eminence and dignity in the public life of the country. But it so happened that many of them did not actually know what they were doing or could not appreciate the results of the policy which we were following in consequence of their meagre knowledge of the habits and customs of the people as also of the circumstances prevailing in the country. In many of these cases directions came from the Centre and as far as I remember many things have happened to which the Provincial Government did not only not give consent, but even entered firm but respectful protests.

Now, Sir, the question of civil supplies has been handled in such a manner that while there is nothing unreasonable on the part of the representatives of the people, there was also justification for the particular action that had been taken. Generally speaking, Ministers were not consulted in many matters before actions were taken and in many cases consent was taken afterwards.

Dr. NALINAKSHA SANYAL: That is our grouse.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, that has happened and I will not be telling the truth if I make a different statement in the House.

Dr. NALINAKSHA SANYAL: Long live Fazlul Huq!

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards this particular question, Sir, when the provision was made actually at that time I did not know, but I submit, Sir, that so far as advances are concerned, they are done under departmental rules and I am satisfied now that it is only an advance and there is no apprehension of this money being lost. The money would be utilised in buying and the stock bought will be sold and enough precautions are being taken that there will be no loss in these transactions. All this money will be recovered. I realise that the point which Dr. Sanyal wants to make is the irregularity in the procedure which he condemns and he has concluded by expressing his hope that these things may not happen in the future. I share that hope and I am sure

that unless the circumstances are extraordinary steps will not be taken. Sir, the situation in the country regarding foodstuffs and other supplies is so very serious that personally I have got my gloomy forebodings for the future. It is, therefore, necessary that some steps should be taken which might in some measure avert the catastrophe. I may tell the House—although I have not been authorised to announce formally—that we have provisionally taken a decision to appoint a Minister of Civil Supplies who will deal entirely with this question and will not be burdened with any portfolio, assisted by a small committee of a representative character. At the present moment the difficulty is that the Director of Civil Supplies, Mr. Justice Roxburgh, is a person whom it is very difficult to approach and whom it is also not advisable to approach frequently, because it interferes with his normal duties. There should be some one who is charged entirely with the duty of dealing with the question of supplies of food and other materials. I hope the House will very soon have an occasion of examining the proposal and I am sure they will be satisfied with the arrangements that are being made.

As regards this particular question, I submit to the honourable member that, strictly speaking, there have been irregularities, but on the whole the decision was taken because a quick decision was necessary in order that the Director of Civil Supplies might begin his work at once. I have got nothing further to say, but I hope that this explanation will commend itself to the honourable member.

Dr. NALINAKSHA SANYAL: Sir, in view of the statement of the Hon'ble Chief Minister I do not want to press my motion.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 79,15,000 under the head "Interest-free Advances" be reduced by Rs. 100 was then, by leave of the House, withdrawn.

The motion of the Hon'ble Mr. A. K. Fazlul Huq that a sum of Rs. 79,15,000 be granted for expenditure under the head "Interest-free Advances" during the current year, was then put and agreed to.

13—Other Taxes and Duties.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, on the recommendation of His Excellency the Governor of Bengal, I beg to move that a sum of Rs. 10,000 be granted for expenditure under the head "13—Other Taxes and Duties" during the current year.

The motion was put and agreed to.

54—Famine.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, on the recommendation of His Excellency the Governor of Bengal, I beg to move that a sum of Rs. 48,76,000 be granted for expenditure under the head "54—Famine" during the current year.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 48,76,000 under the head "54—Famine" be reduced by Rs. 100.

I move this in order to raise a discussion on the delay in and inadequacy of relief measures in the cyclone-affected areas. On the last occasion a few days ago we had from the Hon'ble Minister in charge of the Revenue Department who happens to be also the Minister in charge of the distribution of relief a full-throated account of the wonderful things that the Government had done to extend immediate and unqualified relief to the Midnapore sufferers. That statement of the Hon'ble Minister kept us gaping. We could not think that a responsible member of the Council of Ministers could permit himself to be misguided by his office note to such an extent as to indulge in an atrocious misstatement of facts. I have not used the word "lie" Sir. I have only stated an "atrocious misstatement of facts". We heard then that the news was received by the Government within a few hours. The Government officials here were aware of the position within 2 or 3 days and the first relief measure was sent within 5 days and the second followed in quick succession. Sir, there is one class of lie which we can understand and which is a straight lie. There is a second class of lie which is a suppression of truth, and that suppression of truth sometimes is more dangerous than a straight lie. The Hon'ble Minister stated that within 5 days the first relief party went, but what were the facts? The first relief party consisting of Mr. Nihar Ranjan Chakravarti and three other Government servants, four in all, of course started within 5 days. That is true. They reached Patua at the mouth of the river Rasulpur about 10 miles to the east of Contai on the 24th of October, *i.e.*, 7 days after the cyclone. So much was true. They went with 900 maunds of rice and 200 maunds of *chura* and *gur*, hurricane lanterns, kerosene oil, match boxes, etc. But Sir, now comes the interesting part of this relief. They had just started distribution of relief on the 25th of October, but on the 26th the District Magistrate sent Mr. B. K. Ghosh, Special Magistrate of the place, seized all those articles and stopped the distribution of relief. The local officials kept the articles sent by the Government of Bengal in the charge of a responsible officer of Government for distributing relief under military guard and did not allow one single grain to be distributed to the people there. This matter was reported personally by Mr. Chakravarti to Mr. B. R. Sen, the Additional Commissioner who was not then appointed as Additional Commissioner but was working as Secretary to the Government of Bengal in the Revenue Department, at Contai on the 26th of October and yet no remedy could be found. The whole lot of food available for mitigating the sufferings of the people was allowed to rot and waste.

The second instance of the veracity of the Department in which our esteemed friend, the Hon'ble Mr. Pramatha Nath Banerjee, indulged was with regard to what he called the issue of identity cards and not permits. He said that this was done only in the interests of the relief workers themselves, lest somebody might misjudge them and think that they were all looters in that unprotected area. So he strongly protested and said that there was not one single instance of *bona fide* relief workers being prevented from entering the area. A grosser misstatement bordering on falsehood could [illegible]

Society and numerous other social service organisations were not permitted to enter the area for a long time, and more so, several members of the Marwari Relief Society were actually arrested because they wanted to go and ascertain the facts of the havoc. They were detained and kept in custody for some time until the Hon'ble Ministers themselves who had visited the place found the situation as such. It is also well-known that persons belonging to the very area for whom the question of issue of identity cards did not arise at all were not allowed to go to the place requiring urgent and immediate relief.

Permits were required to be obtained from the local officials even by the local men before they were allowed to enter what the local representatives of Government then thought was a land of rebels. And, Sir, with regard to the extending of non-official relief in the town of Contai itself, when one esteemed gentleman, Mr. Satish Dinda, was collecting non-official relief and distributing the same his house was raided and all articles for relief were seized and taken away. It was the official view at that time that for some time the people of the area must be taught a lesson and for a time should not be given any relief. (MR. NAGENDRA NATH SEN: For a month.) My friend Mr. Sen says that it was the recommendation of the officials that for a month no relief should be given: I merely stated, for a time.

Sir, when the Hon'ble Ministers visited the places for the first time on or about the 29th of October, this matter was brought to their notice and they themselves promised to look into these cases and I believe on their return to Calcutta some of them at least made sincere attempts to see that the position improved. Sir, as a result of all this the relief in that area could not actually start till about the end of the month of November. The catastrophe took place on the 16th October, 1942: so for more than six weeks hardly any relief worth the name was given and yet in the face of all these unchallengeable facts if the Hon'ble Minister-in-charge seeks to take relief behind the papers of the Writers' Buildings we only have to express our sympathy for him but no appreciation.

But, Sir, apart from raking up old history, I submit that the area requires whole-hearted support and co-operation of all sections of the House including the Government to set things right in that unfortunate land. The present difficulties appear to be that although Government have placed large sums at the disposal of local officials and although at the moment a number of relief organisations are operating, there has been much shortage of materials, particularly rice, paddy and foodgrains which either the Government are not in a position to collect or even if they collect are not in a position to place at the disposal of the relief committees quickly. Some of the relief committees, by the way I may say, who went there pretty early, could not start with the work for the local officials did not quickly define the unions to be allotted to each for relief work. The position has now improved, I admit, and I do appreciate the large efforts made by Government subsequently; yet, Sir, a good deal more has to be done. The area has to be rehabilitated, the agriculturists have to be set on the land, the cattle of the area have to be supplied. I submit, further, that no arrangement appears yet to have been made for opening the stores for sale to middle class people

of paddy and rice at controlled prices. There is also no arrangement made to permit persons in that area who have land in 24-Parganas or in Balasore or in some other surplus districts to take crops available from that land to their own respective area. In these respects, Sir, we would request the Hon'ble Minister in charge to see that relief operations are improved.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that the demand of Rs. 48,76,000 for expenditure under the head "54—Famine" be reduced by Rs. 100.

Sir, I move this motion with a view to raising a discussion about the delay in organising relief in the cyclone-affected areas. In doing so, Sir, I must confess that I am not personally acquainted with the actual damage done to Midnapore and other coastal districts. I am also not perfectly aware of the relief measures already undertaken, but it appears from the statement of Dr. Syamaprasad Mookerjee, the then Minister for Finance, that even the Ministers were not aware of the tragedy for some time. It was after a lapse of ten days that they were informed of the occurrence with the result that they were not in a position to organise non-official relief. This, I must submit, is a confession that the Ministers were not taken into confidence by the permanent Executive. Then, Sir, there is another matter on which I should like to lay full stress and that is that in the matter of giving relief urgency is of paramount importance for if any delay occurs the result is that there is more casualty and more deaths. In that case Government, by failing to ask for non-official help and at the same time failing to organise official help, did a great deal of harm and damage to the people of Midnapore. As regards the question of adequacy of relief we find that in this year's budget estimates substantial relief has been provided for but the cause of suffering humanity of Midnapore asks for more money to be sanctioned for that locality.

With these words, Sir, I associate myself whole-heartedly with what has been said by Dr. Sanyal.

Dr. GOBINDA CHANDRA BHOWMIK: মাননীয় Deputy Speaker, Sir, মেদিনীপুরে যে বন্যা হয়েছে তার সম্বন্ধে প্রদেশেরভিতরে এবং বাইরে নানা রকম আলোচনা হয়েছে, ডক্টর নলিনাক্ষ সান্যাল মহাশয় relief দানের ব্যাপারে বিলম্বের যে অভিযোগ এনেছেন সে সম্বন্ধে যথেষ্ট বলবার আছে। অবশ্য একথা ঠিক যে ১৬ই অক্টোবর প্রথম যখন দেশ বন্যায় ভেসে যায় তখন Telegraphic communication ছিল না। ২২ তারিখে নীহার বাবু ফিরে এসে আমাদের সংবাদ দেন যে relief দেওয়া সম্ভব হয় নাই। ২৪শে তারিখ আমরা Chief Minister এবং Revenue Minister এর সঙ্গে দেখা করি। তাঁরা বলেন যে যত শীঘ্র পারা যায় relief এর কার্য্য আরম্ভ করা হবে। গভর্ণমেণ্ট তাঁদের নীতির নির্দ্দেশ দিয়েছিলেন যে Political view যাহাই হউক relief দিতে হবে। তাঁরা Telegram করেছিলেন "Relief must be given irrespective of political views and political action", তা সত্ত্বেও সেখানে District Magistrate এবং অন্যান্য officersরা সেই নীতি অনুসরণ করেন নি। ২৯শে অক্টোবর যখন প্রমথ বাবু, ডক্টর শ্যামাপ্রসাদ মুখোপাধ্যায়, ঢাকার নবাব বাহাদুর এবং আমি সেখানে যাই তখন পর্য্যন্ত সেখানে non-official relief আরম্ভ হয় নাই। তমলুকের কয়েকটি স্থানে Government relief work আরম্ভ হয়েছিল

বটে কিন্তু তা সম্যক নয়। তারপর ১৬ই অক্টোবর তারিখে ডক্টর শ্যামাপ্রসাদ মুখোপাধ্যায় resignation দেন। তখনও পর্য্যন্ত non-official organisation গুলিকে মেদিনীপুরে যাইতে দেওয়া হয় নাই পাছে সেখানে Political movement বেড়ে যায়। Contai subdivisionএ ২৯।৩০ সেপ্টেম্বর তারিখে movement আরম্ভ হয়। সেখানকার S. D. O. order দিলেন সেখানে ঢুকতে গেলে permitএর প্রয়োজন এমন কি যারা সেখানে relief দিতে যাবে তাদেরও permit নিতে হবে। তমলুকের ৭৪টি ইউনিয়নের মধ্যে ৩৯টি গভর্ণমেণ্ট নিজ হাতে রাখলেন আর কাঁথীর ৮২টি ইউনিয়নের মধ্যে মাত্র ২২টি non-official relief workerদের হাতে গেল। মোট ৯৯টি ইউনিয়ন গভর্ণমেণ্ট নিজ হাতে রেখেছেন কিন্তু সেই বন্যাবিধ্বস্ত অঞ্চলের জন্য গভর্ণমেণ্ট যে টাকা খরচ করেছেন তা মোটেই যথেষ্ট নয়। Tamluk subdivision নন্দীগ্রামের ১১নং ইউনিয়নে দু'মাস পরে relief পৌঁছাল। গভর্ণমেণ্ট এ পর্য্যন্ত মোট ২০ লক্ষ টাকা relief workএ খরচ করেছেন কিন্তু ইহা মেদিনীপুর ও ২৪-পরগণার বাত্যাবিধ্বস্ত অঞ্চলের পক্ষে যথেষ্ট নয়। হিসাব করলে দেখা যায় গত তিন মাসের মধ্যে যে সব লোক relief পাওয়ার যোগ্য তারা মাত্র মাথাপিছু ২।৩ টাকা পেয়েছে। তা ছাড়া অনেক যায়গায় অনাচার হয়েছে। এমন কি গভর্ণমেণ্ট যেসব জিনিষপত্র পাঠিয়েছিলেন তাও অনেক স্থলে নষ্ট হতে দেওয়া হয়েছে। আজকে সেখানে চাল নেই, মধ্যবিত্ত এবং গরীব লোকেরা সেখানে খেতে পাচ্ছে না। তারপর Test relief এর মধ্যে যারা পয়সা রোজগার করতে এসেছে তারাও চাল কেনবার সুবিধা পাচ্ছে না। সেখানে চাল supply করাই relief এর কাজ। সেখানে অনেকে দুবেলা তিন বেলা পর্য্যন্ত খেতে পাচ্ছে না। সেখানে কলেরা বাড়ছে এবং এর পেছনে রয়েছে না খাওয়া। Director of Public Healthএর মতে না খেতে পাওয়ার জন্য কলেরায় মৃত্যুর হার বেড়েছে। কাজেই আমি মন্ত্রী মহাশয়কে বলব তিনি এ পর্য্যন্ত যা করেছেন তা সম্যক নয়। আমি suggest করি এই Legislatureএর এমন একটি কমিটি করুন যে কমিটি official এবং non-officialদের মধ্যে সম্বন্ধ স্থাপন করে লোকের যাতে কষ্ট না হয় তার ব্যবস্থা করতে পারেন।

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Mr. Deputy Speaker, Sir, tonight I shall not contest either the statement of facts given by Dr. Nalinaksha Sanyal and I will not attempt to imitate his language. Sir, the cyclone, as I told you the other night, took place on the 15th and 16th of October, 1942. It was a cyclone of the most disastrous type which had had no parallel so far as I am aware in the history of the province during the last century. The 15th and 16th of October, 1942, were Durga Puja days. Even the Secretariat offices were closed between the 15th and 25th October. So far as I know, none of the Ministers was present in town for these 8 or 10 days, as I told you then, and my statement is documented, and if there is any suspicion in the mind of any one that that statement is inaccurate I will show you. Sir, that the first information of the disaster reached this centre—Calcutta—on the 19th of October, 1942. You may have seen in the Press Notes in those days that all railway communications had been stopped beyond Uluberia for a certain number of days. On the top of this due to whatever reasons may be, all information about the disaster was not permitted to be published in the papers on the ground of overriding military necessity. On that point there may be difference of opinion but the facts remain there.

Sir, I received the first telegram of disaster when I was away from the town on the 17th of October, 1942. I got a further telegram from my honourable friend Dr. Mookerjee who was at Darjeeling at the time roughly on or about the 23rd of October, 1942. I came back to the town about 12 o'clock at night and at 12 o'clock at night the Revenue Secretary, Mr. Sen, came to see me and told me that my orders were necessary with regard to the question of the formulation of a policy in the matter of distribution of relief. Midnapore at that time was suffering from an abnormal political situation and I caused a State Express telegram to be despatched to the local officials at once on the 23rd October, 1942, saying that in the matter of distribution of relief Government will make no distinction and every non-official organisation will be given full facilities for the purpose of doing humanitarian work. That telegram, Sir, is an official telegram and it can be produced to do away with the suspicion from even my honourable friend Dr. Sanyal. Between the 23rd and the 27th of October we had to take our time making arrangements for the despatch of certain barges, as I told you on the last occasion. When I was there between the 27th of October and the 1st of November along with my honourable friends Dr. Mookerjee and the Hon'ble Nawab Bahadur of Dacca we discovered that every single tree on the roadside was uprooted and there was a scene of dislocation and devastation which had had no parallel, as I said, in the history of the province. When I was there it was with extreme difficulty that we could manage to wade our way through, not merely through these trees which had fallen but through the bodies of mankind and cattle which had perished as a result of the cyclone.

Sir, I have had now a survey of the casualties and—I am speaking from memory—the actual number of people dead is about 15,000—that is the official figure—but the actual number of cattle which has perished is 1,62,000. This is a gigantic task and I can assure you and the House that no efforts at all were lacking on the part of myself and my officials in the Revenue Department for the purpose of organising relief to the distressed people of Midnapore area. A question of constitutional importance arose because I wanted to have a separate organisation for the purpose of distribution of relief apart from the district organisation which was spending all its time in the maintenance and restoration of law and order in the district and this task required communication with His Excellency the Governor who was not in town. It was Puja time and when I got ultimately the sanction of the appointment of an Additional Commissioner for the purpose of co-ordinating organised relief in the district, I had to think about the appointment of an Additional Collector, of additional Subdivisional Officers and a string of other officials who were to distribute relief and in this task I engaged the services of a number of Settlement Kanungoes who had to be transferred from different districts. I agree, Sir, that relief immediately at that time was almost an impossibility. I agree, Sir, that possibly if steps could have been taken for the purpose of granting relief then and there, many a life could have been saved and much misery avoided, but my justification is this that I have never been lacking in my efforts towards the people of the Midnapore district. It was

on the 10th of November, 1942, that the full organisation was set up and all classes and kinds of supplies were being distributed to the people of Midnapore. On and from the 10th of November, 1942, down today we have not slackened our efforts at all. Only yester-night the Additional Commissioner came back from a tour of inspection and reported to me about the difficulties in Midnapore.

One of the difficulties is that a portion of the district has been to a very large extent denuded of its crop with the result that in the coming months we shall probably have to find at least 50 to 60 lakhs of maunds of rice for this district. That is a gigantic problem. Plough cattle and young cows will have to be replaced. I have been making strenuous efforts to do the same, but my efforts have their limitations. I advertised in the papers for purchase of cattle. The advertisement was responded to, and the idea was to have a cattle centre in Calcutta from which milk may be supplied to the babies in Midnapore. But unfortunately, at that time came the cyclone with the result that the scheme had to be abandoned and the purchased cattle had to go to the Midnapore district where there is lack of fodder.

The question of water-supply is a still more difficult question. Even yester-night I was discussing this problem with the Additional Commissioner. Tube-well materials are insufficient although we have got some. As I indicated to you on the last occasion some of the tube-wells which have been destroyed by the fury of the cyclone have been sunk through the efforts of the District Board, but even then we have to undertake the gigantic task of constructing what may be called "refuge tanks." I am glad to be able to say that some refuge tanks of great length and breadth have actually been sunk.

Then I was confronted with the problem of repairing embankments and as I told you on the last occasion the embankments were 200 miles long. It has been reported to me—and I would like to verify the reports from those who have personally visited the places because I am very busy now —that all these embankments will be repaired by the end of April, so that next year we may not have to face difficulty in the matter of saline water. (Dr. Nalinaksha Sanyal: That is true. The embankment repair work has progressed very well.)

About the question of distribution of relief, in answer to my honourable friend Dr. Govinda Bhowmik's question, I may say this that, so far as I am concerned, I have afforded full opportunity to non-official organisations and I give my tribute to the non-official organisations which have helped me in the discharge of this heavy responsibility. The number of non-official organisations working in that area is about 21, but in these days of hardship we can very well visualise the difficulties in the matter of affording relief through the agency of non-official organisations. First of all comes the question of funds; secondly, the question of workers; thirdly, the question of qualified medical men whose services are now requisitioned for war purposes, and at that time remember, Sir, when the need of Midnapore was the highest, there were enemy raids in Calcutta and the services of

doctors were necessary in Calcutta itself. Last of all, we have to rehabilitate all these people. We have to build hundreds of thousands of houses. We have to supply them with seeds. In fact, we are supplying them with seeds to the extent of 134,000 maunds. We have to give the suffering humanity in the district blankets and cloth. We have to give milk to the children. I quite agree that if I could do more, more should have been done, but I have tried my level best to help the district to the best of my ability. I cannot say, Sir, that my efforts have been adequate, but I will say this to the justification of myself that no efforts on my part have been lacking. I say further that under the conditions in which the people of Midnapore were living and have been living nothing better could have been done by anybody else.

Babu NAGENDRA NATH SEN: On a point of information, Sir, Who were the District Magistrate of Midnapore and Subdivisional Officers of Tamluk and Contai, respectively? Did they belong to the Indian Civil Service? And what are their names?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The District Magistrate of Midnapore is a member of the Indian Civil Service and, so far as I am aware, both the Subdivisional Officers of Tamluk and Contai are also members of the Indian Civil Service.

Babu NAGENDRA NATH SEN: May I know their names?

Mr. DEPUTY SPEAKER: Names are not ordinarily asked.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 48,76,000 for expenditure under the head "54—Famine" be reduced by Rs. 100, was then put and lost.

The motion of Khan Bahadur Mohammed Ali that the demand of Rs. 48,76,000 for expenditure under the head "54—Famine" be reduced by Rs. 100, was then put and lost.

The motion of the Hon'ble Mr. Pramatha Nath Banerjee that a sum of Rs. 48,76,000 be granted for expenditure under the head "54—Famine", was then put and agreed to.

56—Stationery and Printing.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 12,000 be granted for expenditure under the head "56—Stationery and Printing" during the current year.

Khan Bahadur MOHAMMED ALI: Sir, although Dr. Sanyal has not moved the motion standing in his name, still with regard to paper economy I wish to say something.

Government is wasting a lot of money, good money in publishing the papers called the "Bengal Weekly" and "Banglar Katha." The papers are not actually newspapers; they are only propaganda papers of Government. They print photographs of Hon'ble Ministers for the delectation of

readers and they do propaganda. Sir, in these days when strict economy is called for in the use of paper, it should be the duty of Government to abandon the publication of these papers which serve no useful purpose apart from the fact that they are used for making paper bags in *hâts* and bazaars; therefore, the sooner this is done the better it will be.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, in view of the fact that a statement has been made, I wish to point out that the "Bengal Weekly" and "Banglar Katha" are not used for propaganda purposes at all. Read those papers and you will find all the information that you require. As regards propaganda, we have done nothing in the last 15 months except propagating the idea among the people to grow as much rice as they can.

The motion of the Hon'ble Mr. A. K. Fazlul Huq that a sum of Rs. 12,000 be granted for expenditure under the head "56—Stationery and Printing" during the current year, was then put and agreed to.

57—Miscellaneous.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 8,59,000 be granted for expenditure under the head "57—Miscellaneous" during the current year.

The motion was then put and agreed to.

Loans and Advances by Provincial Governments.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 96,41,000 be granted for expenditure under the head "Loans and Advances by Provincial Governments" during the current year.

The motion was then put and agreed to.

5—Salt.

The Hon'ble Mr. UPENDRA NATH BARMAN (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, on the the recommendation of His Excellency the Governor of Bengal, I beg to move that a sum of Rs. 1,03,000 be granted for expenditure under the head "5—Salt" during the current year.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 1,03,000 under the head "5—Salt" be reduced by Rs. 100.

I move this in order to raise a discussion on the delay in preparation of the scheme for establishment of salt warehouses in Contai and Tamluk subdivisions and inadequacy of the arrangements. I only formally move the motion. My esteemed friend Mr. J. C. Gupta will go into the details. I would only say that Government salt warehouses have not been actually opened and no purchases from the villagers started except small quantities by the Hindu Mahasabha and the Upper India Relief Society.

Mr. JOGESH CHANDRA GUPTA: Sir, Government declared their policy of opening salt *golas* but they have not taken any steps for putting this into effect. You are aware that within the next three months the season for salt manufacture will be over and if the opening of the *golas* is delayed the people will not get any advantage. The next point that I want to draw the particular attention of the Hon'ble Minister in charge to is that at present salt is being sold locally at one anna per seer. Government have fixed Rs. 1-14 per maund as the price. It is said that it will be increased to Rs. 2. But we all know that salt is being sold at Rs. 5-4 to Rs. 5-6 and Rs. 1-9 is the duty that is paid. Therefore, it is easy if the Government want really to help the salt manufacturers to give them Rs. 3-8 *plus* Rs. 1-9 which will come to Rs. 5-1 and the price at which at present it is being sold is Rs. 5-4 to Rs. 5-6. I may also tell the House that the recent sales of salt which have taken place within the last week are ex-Government godown Rs. 375 per 100 maunds, and ex-ship Rs. 360 per 100 maunds. That being the price at which salt is being sold why should not the Government consider the distressed condition of Midnapore and at least give them the price at which others are selling in the market. This is all that I want to bring to the notice of the Government.

The Hon'ble Mr. UPENDRA NATH BARMAN: Sir, the first point that Dr. Sanyal has raised in his cut motion is the delay in the preparation of the scheme. I may place the bare facts before the House for their consideration. This collection of salt from the agriculturists who prepared salt by a crude process was first thought of after the cyclone had passed over the district of Midnapore.

Dr. NALINAKSHA SANYAL: They have been manufacturing salt there for a long time.

The Hon'ble Mr. UPENDRA NATH BARMAN: I am referring to the collection by Government. That is the point with which we are concerned. In order to push on this scheme an officer who had experience in Burma has been appointed at the end of October, 1942.

Dr. NALINAKSHA SANYAL: New offices have always been created.

The Hon'ble Mr. UPENDRA NATH BARMAN: The officer was sent to enquire into the possibility of starting warehouses and collecting salt from the agriculturists and selling it in the market. He proceeded to Contai and other places affected by the cyclone and investigated into what he thought was necessary.

Dr. NALINAKSHA SANYAL: When was this officer appointed?

The Hon'ble Mr. UPENDRA NATH BARMAN: At the end of October, 1942.

Dr. NALINAKSHA SANYAL: May we know his name? Is he an Indian officer?

The Hon'ble Mr. UPENDRA NATH BARMAN: He is an Indian officer. He submitted his report on the 30th of November, and after that

a scheme had to be prepared for the sanction of Government. The first scheme that was submitted to Government was in January, 1943, but the scheme had to be revised on further reports and in order to meet the difficulties that had come to light.

Dr. NALINAKSHA SANYAL: Will there be any *gola* before the rains set in?

The Hon'ble Mr. UPENDRA NATH BARMAN: *Golas* have been constructed and Government have started collecting salt straight from producers in the cyclone-affected area.

Dr. NALINAKSHA SANYAL: When?

The Hon'ble Mr. UPENDRA NATH BARMAN: Government have started collecting——

Dr. NALINAKSHA SANYAL: No. That is not a fact.

The Hon'ble Mr. UPENDRA NATH BARMAN: This has been going on. (Interruption.) Please hear me.

Dr. NALINAKSHA SANYAL: Please state the facts.

The Hon'ble Mr. UPENDRA NATH BARMAN: I am stating the facts.

Dr. NALINAKSHA SANYAL: Will you please give me the data?

The Hon'ble Mr. UPENDRA NATH BARMAN: Five warehouses have already been started.

Dr. NALINAKSHA SANYAL: That is not a fact.

The Hon'ble Mr. UPENDRA NATH BARMAN: I cannot accept that.

Mr. DEPUTY SPEAKER: Please do not interrupt the Hon'ble Minister.

Mr. M. A. H. ISPAHANI: The Hon'ble Minister should have better facts to state.

The Hon'ble Mr. UPENDRA NATH BARMAN: I am stating facts and on these facts my statement is that we have started *golas*, we are collecting salt and we are paying——

Dr. NALINAKSHA SANYAL: Will you take a bet on that?

The Hon'ble Mr. UPENDRA NATH BARMAN: We are paying at the rate of Rs. 2 per maund. There is one difficulty which I must mention here and that is that unless and until we get the formal sanction of the Government of India we cannot definitely start on a large scale. A telegram has been sent to the Centre and we expect within a week to get their formal sanction. And we also expect that the price will be raised from Rs. 2 to Rs. 2-8. As regards the inadequacy of the price that has been mentioned by my friend Mr. Gupta, my information is that salt is being sold at Rs. 5-4 per maund as he has stated. Now even if we pay Rs. 2 to the producers

Rs. 1-9 will have to be paid to the Government of India as duty, 3 annas as warehouse charges and there are costs of transport and the profit of the traders.

Dr. NALINAKSHA SANYAL: Wastage too.

The Hon'ble Mr. UPENDRA NATH BARMAN: There is another fact which ought to be mentioned here. It has been reported that the salt that is produced by this crude process cannot compete with the salt that is imported into Bengal. So, if we fix the price at par with the price of salt that is now being sold after being imported from other parts of India, the whole scheme may fail. So, the department thinks that at the very outset we should not make the price as high as that of the salt that is produced by a better process, I mean the refined salt.

Mr. JOGESH CHANDRA GUPTA: Make it 4 annas less.

The Hon'ble Mr. UPENDRA NATH BARMAN: If the scheme succeeds, more warehouses will be started and the scheme will proceed faster.

Dr. NALINAKSHA SANYAL: By that time the rains will come to wash away everything.

The Hon'ble Mr. UPENDRA NATH BARMAN: Pending the formal sanction of the Government of India we are trying to overcome all the difficulties that stand in the way and we expect that all difficulties will be removed within the course of a week.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 1,03,000 under the head "5—Salt" be reduced by Rs. 100, was then put and lost

The motion of the Hon'ble Mr. Upendra Nath Barman (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca) that a sum of Rs. 1,03,000 be granted for expenditure under the head "5—Salt" during the current year, was then put and agreed to.

8—Provincial Excise.

The Hon'ble Mr. UPENDRA NATH BARMAN: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,19,000 be granted for expenditure under the head "8—Provincial Excise" during the current year.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the demand of Rs. 1,19,000 for expenditure under the head "8—Provincial Excise" be reduced by Rs. 100.

Sir, I want to raise a discussion on the failure of Government to check increased consumption of opium It will be noticed that in the supplementary budget mention has been made of increased consumption of country spirits and opium in this province, particularly opium. So, Sir, I am taking opium for the time being and I shall handle country spirits during discussion on the general budget.

Sir, it has been stated that this consumption of opium has increased as a result of the influx of a large number of evacuees from Burma and elsewhere who are addicted to opium. I would not inflict any speech. I will leave it to the good sense of the Government to see that consumption of opium in this province may be reduced. Let those who come to this province to take shelter here only consume some food but not try to infect our own population here by various kinds of vices that they import including addiction to opium.

The Hon'ble Mr. UPENDRA NATH BARMAN: Sir, the only reply that I have to give has been given by Dr. Sanyal himself. He has already stated that this increased consumption has been due to influx of evacuees and other persons from outside Bengal. So long as our shops are kept open we cannot refuse it to non-Bengalis and evacuees from Burma if they want to purchase opium.

The motion of Dr. Nalinaksha Sanyal that the demand of Rs. 1,19,000 for expenditure under the head "8—Provincial Excise" during the current year be reduced by Rs. 100, was then put and lost.

The main motion of the Hon'ble Mr. Upendra Nath Barman that a sum of Rs. 1,19,000 be granted for expenditure under the head "8—Provincial Excise" during the current year, was then put and agreed to.

Mr. DEPUTY SPEAKER: Before I adjourn the House till 6 p.m. for the election of the Speaker, I would request the Whips of different parties to come to my chamber and consult with me as to the way in which the election of the Speaker should be conducted.

(The House was then adjourned till 6 p.m.).

(After adjournment.)

Election of Speaker.

(The House reassembled at 6 p.m. after adjournment.)

Mr. DEPUTY SPEAKER: We will now proceed to elect the Speaker of the Bengal Legislative Assembly. Anyone, if he so desires, can examine the ballot boxes which are now here. The party whips may examine them.

(The ballot boxes were then examined by different party whips.)

These are the valid nomination papers:

Mr. Abdur Rahman Siddiqi.	Proposed by Khan Bahadur A. F. M. Abdur Rahman.	Seconded by Mr. Tamizuddin Khan.
Mr. Abdur Raschid Mahmood.	Proposed by Mr. Abdulla-al Mahmood.	Seconded by Mr. Azhar Ali
Mr. Rasik Lal Biswas	Proposed by Mr. Monomohan Das.	Seconded by Mr. Lakshminarayan Biswas.
Mr. Syed Jalaluddin Hashemy.	Proposed by Mr. Yousuf Mirza.	Seconded by Dr. Nalinaksha Sanyal.

Mr. Nishitha Nath Kundu.	Proposed by Mr. Niharendu Dutta Mazumdar.	Seconded by Mr. Sibnath Banerjee.
Mr. Pulin Behari Mullick.	Proposed by Mr. Madhusudan Sarkar.	Seconded by Mr. Jagat Chandra Mondal.
Mr. Syed Nausher Ali.	Proposed by Mr. Shahedali.	Seconded by Mr. Md. Abul Fazl.

Since then, Mr. Pulin Behari Mullick, Mr. Abdur Raschid Mahmood and Mr. Rasik Lal Biswas have sent in letters withdrawing their candidature. Mr. Syed Jalaluddin Hashemy has also withdrawn his candidature. I think the House has no objection to withdrawing their candidature.

(No objection was raised.)

Now there are three candidates—

Mr. Abdur Rahman Siddiqi,

Mr. Nishitha Nath Kundu, and

Mr. Syed Nausher Ali.

Members will now proceed to vote. There are three invalid members, namely, Mr. L. T. Maguire, Khan Bahadur Maulvi Abidur Reza Chowdhury and Maulvi Abdul Wahed (Bokainagari). Secretary or some officers of the department will take ballot papers from them and put them into the boxes.

Mr. YOUSUF MIRZA: Sir, one of our members, Babu Litta Munda Sirdar, does not know how to read. So, one of the officers may be instructed to point out where the names of different candidates are so that he may put a cross in the proper place.

Mr. DEPUTY SPEAKER: I think there is no objection to that being done.

(No objection was raised.)

The instruction that I will give to the members is that there would be 6 ballot boxes. Ballot papers will not be distributed on the table. Members before proceeding to their polling booths will take ballot papers from the officers and every member will be marked just at the door. Members will proceed one by one so that other members may not see when a particular member marks on the ballot paper Members will now proceed to vote.

Mr. K. SHAHABUDDIN: Sir, may we know what arrangement has been made to ensure that after a member has recorded his vote, he leaves the booth and when another member comes, the member who has recorded his vote does not stay there? Nobody should be allowed to enter the Chamber till polling is finished.

Mr. M. A. H. ISPAHANI: Sir, Mr. Shahabuddin wants to know whether members who have recorded their votes will be permitted to loiter in the lobby and see what other members are doing. That is the question of Mr. Shahabuddin.

Khwaja Sir NAZIMUDDIN: Sir, what we are very anxious to see is to ensure that at the time when a member is recording his vote in the booth,

there is nobody else present in the booth. That should be ensured and that can only be done by seeing that a second man does not enter the booth after a member has already entered it.

Dr. NALINAKSHA SANYAL: Sir, may I invite your attention to the rules which say that this is entirely within the rights of the members concerned. Sir, you are here only to make arrangements. If a member chooses to have another friend inside the booth, the rules do not prevent it. You will only make arrangements for secret voting. Ballot voting and secret voting are entirely left to the members. On a previous occasion, in the case instituted by Rai Bahadur Surendra Narayan Sinha, it was held that even if a member goes about and sees somebody putting a cross, it is no offence because the member is not prevented from exercising his right of voting. That was the finding of the Tribunal.

Mr. DEPUTY SPEAKER: All that I can say is that I wish to maintain the secrecy of the ballot, and if you like, two members of the Coalition Party and two members of the Opposition may wait there to see that no other member can see when a particular member is actually voting. That can be done, otherwise I can appoint officers to see that no member is allowed to see when another member is recording his vote. I think that will do. Members will now proceed to vote.

If the House has no objection, I shall record my vote.

(He dropped the ballot paper inside the box.)

Khan Bahadur MOHAMMED ALI: Sir, I take it that the boxes were locked and sealed before the doors were opened.

Mr. DEPUTY SPEAKER: Yes.

Khan Bahadur MOHAMMED ALI: In that case, you cannot record your vote after the doors have been opened. I object to that.

Dr. NALINAKSHA SANYAL: It is too late.

Mr. DEPUTY SPEAKER: Gentlemen, I have to announce the result of the voting—

Mr. Nishitha Nath Kundu—Nil.

Mr. Abdur Rahman Siddiqi—95.

Mr. Syed Nausher Ali—118.

Mr. Syed Nausher Ali having secured the largest number of votes, I declare him elected as the Speaker of the Bengal Legislative Assembly. I take this first opportunity to congratulate Mr. Syed Nausher Ali on his election as the Speaker of the Bengal Legislative Assembly and I now request him to take the Chair.

(Mr. Syed Nausher Ali took the Chair amidst loud cheers.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Nausher Ali, before I offer you the congratulations which are your due, let me say a few words of appreciation of the manner in which you, Mr. Deputy Speaker, have been

discharging the duties of the high office of the Speaker in an acting capacity during some troublous times in this House. You have shown that you possess, in a very conspicuous degree, the determination to make your decision prevail and to keep order in the House and that you were prepared at times of emergency to give quick decision. Whatever may have been the result of the voting we congratulate you on the manner in which you discharged your duties, and there are many in this House who perhaps would have been glad to see you successful had not two successes been inconsistent.

Now as regards yourself I wish I had the time to say in full what I have in my mind at the present moment but this is the time to adjourn for prayer and I will be brief. I have known you for more than 20 years. You have had opportunities of showing your worth in the fullest measure not merely in your political activities but also as an Advocate in the High Court. The one great trait in your character which has extorted admiration from friend and foe alike has been your transparent honesty, your integrity, the courage of conviction that you possess and the manner in which you know how to allow the requirements of duty transcend all personal considerations. I consider that this success is only a prelude to greater successes in future Qualities like this can never go unrewarded and let us hope that as Speaker of the Bengal Legislative Assembly you will uphold to the fullest extent the best traditions of this august House. Now that you are occupying the Chair as Speaker I need hardly say that all sections of the House expect from you that justice, that impartiality and that allegiance to the sense of duty which have been the guiding principles of your life. Sir, let me congratulate you. Let me hope that you will have a happy time as Speaker and not worried as the poor Ministers under the provincial autonomy.

Khwaja Sir NAZIMUDDIN: Sir, on behalf of myself and my party, I offer you our most whole-hearted congratulations on your success as the Speaker of the Bengal Legislative Assembly. Sir, I associate myself with what has been said by the Hon'ble Leader of the House and we are convinced that your reputation as an honest, impartial and straightforward gentleman will help you to conduct the proceedings in this House in an impartial, fair and just manner to all. I wish you, Sir, all success.

Mr. ABDUR RAHMAN SIDDIQI: Sir, as the defeated candidate, I beg to offer you my personal congratulations as well as the congratulations of the little group we are here. I endorse every word that has fallen from the Leader of the House and the Leader of the Opposition and I wish you every success in your control of the House. I assure you, Sir, you will find all sections of the House obedient and eager to carry out your orders.

Mr. KIRAN SANKAR ROY: Mr. Speaker, on behalf of the Congress Party in this House may I offer our sincerest congratulations to you on your election as the Speaker of this House. We, Sir, belong to a minority party and also to the Opposition, and it is to our interest to see that a person is elected as Speaker of this House who would be fair to all sections of the House. And from your past record as a political worker I have no doubt that you will be able to discharge your duty fairly and impartially.

Further, Sir, in your election there is an added gratification to us because you happen to be a Congress member in the district of Jessore and because you have suffered much for your political conviction. Sir, I know that it is not possible for the most brilliant Speaker that could have been elected to maintain and uphold the privilege and dignity of the House without the co-operation of the members, and I can assure you on behalf of the members on this side of the House that we shall give you our utmost co-operation and good wishes.

Mr. DAVID HENDRY: Mr. Speaker, Sir, let me on behalf of the European Party offer you our congratulations upon your election to the high office of Speaker of this Assembly, and with that I should associate the name of Mr. Syed Jalaluddin Hashemy for the way in which he has carried out his duties during the past one year. The office of Speaker of this House, Sir, is one which carries with it important duties and grave responsibilities, —grave responsibilities for the carrying out of the constitutional Government of this province and in that, Sir, we know you will be inspired and helped by the example which has been set in the past by the first elected Speaker of this House, Sir Muhammad Azizul Haque. In the constitutional history of the past six years during which this House has functioned, the late Speaker,—I should not call him, the late Speaker—our past Speaker built up parliamentary traditions which have enabled us to carry on in a dignified manner during most of the time, if not all the time, in living up to that tradition. I can assure you that we in this party will give you every possible help and co-operation and with that all that I can offer you is our very best congratulations on your election.

Mr. MUKUNDA BEHARY MULLICK: Mr. Speaker, Sir, in adding our felicitations to the chorus of felicitations which have been offered to you from this House I do not think I should take too long. I can only say this that we have known each other intimately from 1920 since when we have been acting together in various capacities and it gives me and some of my friends in this House very great personal satisfaction that you have been elected to the dignified Chair. After what has been said by the Leader of the House and various other leaders I do not think it is necessary for me to take any more time, but before I sit down I must offer you our very best wishes for your success in discharging the onerous duties that will fall upon you as Speaker of this Assembly. I can assure you, Sir, that you will find all sections of the House co-operating with you. Sir, I wish you all success and I hope and pray that God will guide you along the right directions so that you will uphold the traditions of the Chair that you have been called upon to occupy.

Mr. SPEAKER (the Hon'ble Mr. Syed Nausher Ali): I must thank you all, my honourable friends, for electing me to this dignified office as Speaker of this august Assembly, and in doing so I should like to assure you all that I will discharge my duties faithfully and conscientiously to the best of my abilities and light. As you have been pleased to refer to the difficult position of the Speaker, namely, that it is not possible for a Speaker to maintain the dignity of the House or otherwise to discharge the duties

thereof in a satisfactory manner except with the co-operation of the members of this House collectively and individually, I hope, as I have been assured, I will get your whole-hearted co-operation in discharging my duties as Speaker.

Many kind expressions have been used by the Hon'ble the Chief Minister as well as other leaders of this House about me. I wish I possessed all the qualities and virtues that have been attributed to me. I can assure you this much that I will try my best according to my light to be fair and impartial to all sections of the House. I do not think I can take much of your time now because it is time for prayer already. May God help us all in evolving traditions and conventions in this House suited to India's needs and conditions worthy of the culture of India and the genius of Bengal. (Loud applause.)

Adjournment.

The House was then adjourned at 7-10 p.m. till 4-30 p.m. on Tuesday, the 2nd March, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 2nd March, 1943, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 7 Hon'ble Ministers and 195 members.

STARRED QUESTIONS

(to which oral answers were given)

Statement of Dr. Syamaprasad Mookerjee.

*86. **Mr. M. FARHAD RAZA CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that a Press statement of Dr. S. P. Mookerjee, ex-Finance Minister, was censored and banned for publication?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a copy of the said statement?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) and (*c*) Do not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state to which statement does this answer apply—to the statement made on the floor of the House or to the statement he issued after his resignation from the Cabinet?

The Hon'ble Mr. A. K. FAZLUL HUQ: The question refers to a press statement of Dr. S. P. Mookerjee and my answer to that is "No".

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state if it is a fact that a statement was printed and published by the ex-Finance Minister which was censored and proscribed by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: Not that I know of.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please ascertain whether it is a fact or not that the publication and distribution of a statement was proscribed?

The Hon'ble Mr. A. K. FAZLUL HUQ: Which statement is the honourable member referring to? One statement has been banned.

Khan Bahadur MOHAMMED ALI: With reference to the reply given by the Hon'ble Chief Minister, will he please state which statement has been banned by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: One statement has been banned, but I am not prepared to say which statement that was because the matter is still under consideration.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state if the answer given to the question is wrong, in view of the fact that the Hon'ble Minister admits that a statement has been banned and the question does refer to that statement?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think there is some confusion in the mind of the honourable member as regards the statement. There has been more than one statement of Dr. Mookerjee. One statement has been banned, but I am not conveying the information to the House as to which statement that was, as I do not think that in the public interest I can disclose that.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state how many statements have been banned like that?

Mr. SPEAKER: He has already stated that only one statement has been banned.

Mr. FAZLUR RAHMAN: Will the Hon'ble Minister please state whether the order for banning was made in public or the order was a secret order?

Mr. SPEAKER: I am afraid that question does not arise.

Mr. FAZLUR RAHMAN: Sir, that question arises in this way. Let me explain. The Hon'ble Minister has said that in the public interest he is not prepared to say which statement was banned. The banning order is in public and therefore the statement that has been referred to in that order must be a public property. So, why should the Hon'ble Minister refuse in the public interest to disclose which statement was banned?

Mr. SPEAKER: I have not been able to understand the question. I should be grateful if you would kindly formulate your question.

Mr. FAZLUR RAHMAN: Will the Hon'ble Minister please state whether the order banning the statement of Dr. Mookerjee which is referred to by the Hon'ble Minister was an order made known to the public or was it a secret order?

The Hon'ble Mr. A. K. FAZLUL HUQ: The expression "order made known to the public" conveys no meaning. Therefore I cannot answer that question.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state whether the reason for banning the statement was the safety and security of the province or the safety and security of the present Ministry?

The Hon'ble Mr. A. K. FAZLUL HUQ: The reasons were in all their bearings considered by Government before the order was passed. Sir, I do not understand the idea in the mind of the honourable member. If he wants the ban to be removed, let him then make application for it.

Mr. FAZLUR RAHMAN: On a point of order, Sir. Whatever may be the anxiety of the honourable members of this House that is not the business of the Hon'ble Minister to know. The Hon'ble Minister is here to give information to the House. Therefore my point of order is——

Mr. SPEAKER: I see that the question was with regard to a press statement of Dr. S. P. Mookerjee and the answer was "No". In course of certain supplementary questions the Hon'ble the Chief Minister made a statement that a certain statement was banned, and I have allowed a sort of cross-examination on these questions up till now. But to me it appears that these questions are practically irrelevant in view of the answer given by the Hon'ble the Chief Minister that no press statement of Dr. S. P. Mookerjee was banned.

Khan Bahadur MOHAMMED ALI: I submit to your ruling, Sir, but with due respect to you I would like to point out that in course of supplementaries the Hon'ble the Chief Minister said that a statement was banned. Therefore, in the light of his supplementary statements, we are to assume that the answer "No" has become "Yes," because he admits that Governmen have banned a statement. In view of that fact, I submit that you will allow us to put our supplementary questions in the light of the reply given by the Chief Minister in answer to our supplementary questions.

Mr. SPEAKER: Khan Bahadur Mohammed Ali, I think your question was pretty vague. You have succeeded in eliciting something which is not covered by your question. I have allowed up to that extent. I will ask you to put another question to the Chief Minister if you so desire, and you may get the desired result.

Khan Bahadur MOHAMMED ALI: Sir, did you ask me to put a separate question?

Mr. SPEAKER: Yes; separate question.

"Grow-more-food" Campaign.

*87. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether seeds of different crops and manure have been distributed and any scheme for irrigation, such as digging of ponds and natural irrigation from rivers and streams, has been prepared to increase the different foodstuffs in the next year?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what practical methods have been adopted in the Province in connection with the grow-more-food campaign?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan): (*a*) Yes.

(*b*) Does not arise.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state through what agency crop seeds have been distributed in the province?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Large quantities of mustard, linseed, gram and *aman* paddy seeds were distributed to the cultivators through the agency of the Agricultural Department and the Jute Regulation Department.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state the manner and procedure by which these seeds were distributed—whether in conformity with a certain scheme or they were distributed in a haphazard way?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: On requisitions from District Officers the seeds were supplied.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state the places where distribution was made?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I want notice.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the cultivators of the province know that Government would give seeds?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Yes, they know it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether his answer "Yes" to question (*a*) includes digging of ponds and natural irrigation, with reference to which the Hon'ble Minister has given us no answer?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: As to the digging of tanks, certain tanks have already been dug or excavated. It relates to the Department of Rural Reconstruction or Development. So, I think that the Hon'ble Minister in charge of Rural Development will be able to give details. As for natural irrigation through rivers and channels, it appertains to the Irrigation Department. A scheme has been prepared and they are doing certain work, details of which may be obtained from the Irrigation Department.

Mr. TAMIZUDDIN KHAN: Sir, I want to draw the attention of the Hon'ble Minister through you to the last line of the first paragraph of the question, namely, "has been prepared to increase the different foodstuffs in the next year." That is the question. My supplementary question is: Will the Hon'ble Minister be pleased to state whether actually any seeds have been distributed for the increase of production in the next year?

Th Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Next year means 1943-44. Of course we have been receiving requisitions from District Officers and distribution of seeds will take place within a week.

Mr. TAMIZUDDIN KHAN: So far as the next year is concerned, do we understand that no seeds have yet been distributed?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: No seeds have been distributed yet for the next year.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what is the procedure Government have adopted for the "Grow More Food" Campaign?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: The "Grow More Food" Campaign——(Dr. NALINAKSHA SANYAL: The first campaign started with a tea party at Firpos. I say this only to refresh his memory.) (Laughter.) (A VOICE: It was a lunch.) (Dr. NALINAKSHA SANYAL: Was it a lunch? I stand corrected.) For the "Grow More Food" Campaign two measures have been adopted by Government—(1) distribution of paddy seeds and other commodities to the cultivators and, secondly, distribution of posters, leaflets, placards in the rural areas and also talks through magic lanterns in the rural areas through the machinery of Government. These are the two main projects that have been taken up by Government and besides supplying seeds and distribution of seeds, the Department of Agriculture is giving necessary instructions and advice to the cultivators wherever called for and the agricultural demonstrators also move in the rural areas and give requisite instructions to the cultivators. One thing more, Sir, which is essential for the "Grow More Food" Campaign is extensive cultivation and bringing under cultivation any fallow lands that lie in any part of the country. We are considering about preparing a scheme, but we have not come to any final conclusion yet.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state whether reports are submitted by District Officers direct to Government or through the Divisional Commissioner?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Reports are submitted to the Director of Agriculture by the District Officers and the Director of Agriculture gets them sanctioned by the Secretary of the department concerned.

Maulvi AZHAR ALI: How many months will it take to distribute the next year's crop?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: In a fortnight. Actual distribution has just begun.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what was the amount distributed to each of the districts last year and what is the amount of the proposed allotment next year?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I want notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what is the amount Government intend to allot for distribution next year?

The Hon'ble Khan Bahdur Maulvi HASHEM ALI KHAN: The total amount is 40,000 maunds.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether any part of the scheme just narrated was adopted last year?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Yes, distribution of seeds. Seeds were distributed last year and this propaganda was also taken up last year.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether there was any demand of *boro* paddy seeds last year and whether there was any distribution and, if so, in which district was it distributed?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I want notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether he encourages the peasantry to join a production drive and whether Government consider the desirability of making over all fallow lands to the peasants free of rent?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: It is difficult for me to give a reply offhand.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that seeds distributed by Government during last year proved to be quite insufficient to meet the needs of the cultivators?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: I have not received any such complaint.

Mr. AHMED HOSAIN: Is the Hon'ble Minister aware that there is dearth of *aus* paddy seeds in the district of Rangpur?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Yes. I have received several letters from my friends of the district of Rangpur, and I forwarded them to the Director of Agriculture for compliance.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if Government have fixed the price of seeds for the current year?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Yes, not exceeding Rs. 12.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Appointment of Assistant Engineer in Communications and Works Department.

32. Mr. SYED ABDUL MAJID: (*a*) With reference to the reply given to unstarred question No. 21 on the 21st September, 1942, will the Hon'ble

Minister in charge of the Communications and Works Department be pleased to state—

(*i*) what steps, if any, were taken to fill up the posts by Muslims; and

(*ii*) in which paper or papers the advertisements, if any, were published and on what dates?

(*b*) Have the Government since taken any steps to find out Muslim candidates for the posts and apply rule 13 of the Communal Ratio Rules?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) The 3 permanent vacancies, which were filled during the period from the 1st January, 1941, to the 7th September, 1942, were duly advertised. Two of the 3 vacancies were filled by Muslims and one by a non-Muslim.

During the period under view, 15 temporary appointments were also made. These appointments were filled by one Muslim and 14 non-Muslims. The appointments were purely temporary appointments in connection with the war emergency work and had to be made without delay. The vacancies were not advertised but the Public Service Commission were requested to forward the names of suitable candidates for these temporary appointments from applications received by them in response to advertisements issued in connection with the permanent vacancies. But the Commission were unable to forward any name and consequently the appointments had to be filled by non-Muslims.

(*b*) A panel of Muslim candidates has been formed for appointment as Assistant Engineers. Qualified Muslim candidates are still not available and in consequence rule 13 of the Communal Ratio Rules cannot be applied.

The questions do not arise so far as the Irrigation Branch is concerned.

Relief to agriculturists of the Rajshahi district.

33. Mr. MANIRUDDIN AKHAND: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that general distress is prevailing in the Rajshahi district owing to failure of paddy crops, both *aus* and *aman*, and fall of price of jute; and

(*ii*) that the cultivator class of the district are hard-hit by the abnormal rise of price of all necessary commodities?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) giving relief by way of (1) agricultural loans and (2) test relief works to the people of the district; and

(*ii*) extending the period of *kists* of jute loan and agricultural loan up to the harvesting of next crops of jute and paddy?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: (*a*) (*i*) No such general distress prevails in the district. Partial failure of crops is reported in some parts of it.

(*ii*) Yes.

(*b*) (*i*) The matter is under enquiry by the local officers.

(*ii*) The matter is under consideration.

Absence of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca.

Khan Bahadur MOHAMMED ALI: Sir, the House is being much inconvenienced by the absence of the Hon'ble Nawab Bahadur of Dacca. He was present at the voting time yesterday, and I do not see any reason why he should not be present to answer these questions. Apart from that, Sir, the Deputy Speaker gave us to understand that as long as the Nawab Bahadur of Dacca is not present his questions will not be printed here because we have been greatly inconvenienced by carrying these questions back and bringing them here again. May I ask you, Sir, not to have these questions put up before us until the Nawab Bahadur's return.

Dr. NALINAKSHA SANYAL: How can the office know beforehand whether he will be present or not?

Khan Bahadur MOHAMMED ALI: He was present here during voting yesterday and he can at least be present during the question time.

Mr. M. A. H. ISPAHANI: I think the Hon'ble the Chief Minister may perhaps be able to enlighten the House as to when one of his colleagues who has been absent will be able to attend the meetings of the Assembly.

The Hon'ble Mr. A. K. FAZLUL HUQ: I did not come prepared to answer the question, but I think he will be available in a few days. He had to undergo a major surgical operation yesterday and he is better. He may be coming tomorrow or the day after.

Mr. SPEAKER: I think that answer will satisfy both Khan Bahadur Mohammed Ali and Mr. Ispahani.

Report of the Public Accounts Committee.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to invite the attention of the House to a set of gross irregularities revealed through the Public Accounts Committee Report presented before the House, some time ago. Sir, *post-mortem* examinations are not always likely to evoke enthusiasm and, therefore, I fully appreciate that the members of the House may feel little interest in the present discussion. But, Sir, in certain important matters *post-mortem* investigation not only helps us to understand maladies properly, but also enables future surgeons to act more efficiently and it also helps the students to learn, when a *post-mortem* is undertaken, the business of surgery properly. In the case of the present report of the Committee of Public Accounts for the year 1940-41 we find, Sir, the same old story repeated, namely, that from year to year there has been a large saving of amounts budgeted for important nation-building departments.

Sir, from the very early stage of the functioning of the present Provincial Autonomy, we have been noticing with deep regret this state of affairs.

In the year 1937-38 the same thing happened, so also in the year 1938-39; and, Sir, in the Report of the Committee of Public Accounts for the year 1939-40, in paragraph 10 of the Report, this matter was drawn pointed attention to. In spite of that, Sir, we find that even in the year 1940-41 the same state of affairs continued. We would like the Hon'ble Minister in charge of the Finance Department and also other departments, because this relates to every department more or less, to give us a definite idea as to when they propose to find out the proper remedy for this state of affairs. Repeatedly year after year we have stated that very large savings continue to occur in many nation-building departments. This year also the Committee of Public Accounts of the last year have noted the very same sad state of affairs, and although I would not like to have any reflection on the scrutiny that they held I must point out that they failed to expose all such cases. They had, however, all the same endorsed the opinion held by the previous Committee.

The second important matter with regard to which the previous Public Accounts Committee—Committees I would say—desired the attention of this House to be drawn seriously to was with regard to the provision of lump grants on immature schemes leading to large savings of money, non-utilisation of those grants or sliding down of the sums provided for such items. In the year under review we find, Sir, that the Committee again came across several instances in which large grants were surrendered because the schemes for which they were provided did not mature in the course of the year and thereafter the Committee had endorsed the observations made by the previous Committees that lump provisions should not be included in the budget for schemes the details of which have not been settled. We find, Sir, from page 8, paragraph 11 of the Appropriation Accounts of 1940-41 and the Audit Report of 1942 that on several items under Irrigation, General Administration, Education, Public Health, Industries and Civil Works the same drawbacks were noticed and it was also regrettable to note that the bulk of these savings were on account of rural reconstruction grants. On page 57 of the Report appears a review which says that subventions to schemes of rural reconstruction from provincial revenues during the year under report as well as in the preceding year had to be surrendered as the schemes did not mature. On page 83 again, we find that provision made during the year under review as well as in the preceding year, that is, not only in 1940-41 but in 1939-40 also for expenditure on rural reconstruction work met from the provincial revenues could not be utilised as the schemes were not sufficiently mature. Again, Sir, on page 154 we find another item in which provision was made in the year under report for making grants and subvention from the provincial revenues for schemes of rural reconstruction, but the entire provision was surrendered as comprehensive schemes could not be given effect to during the year. This was on Public Health.

Further on we find on page 174 once again in the year under review as well as in the previous year sums allotted for rural reconstruction scheme under "Industries" for encouraging cottage industries, remained unspent in both the years and were surrendered. The controlling authority explained that the provision could not be utilised as the details of the scheme were

not worked out in 1939-40 and they were still under consideration of Government during 1940-41. There was also a further lump provision of Rs. 18,000 successively made for three years from 1938-39 to 1940-41 under the head "Provincial Organisation for the Purchase of Stores" which also had to be abandoned ultimately.

Sir, further on, on page 193 we still find once more another amount which was provided not only in the year under review but also in the previous year for grants and subvention to schemes of rural reconstruction which again could not be given effect to. It is under "Civil Works" for road improvement. On that very page there is also a mention of a climatic sanatorium for tuberculosis, of which you know very much because it was in your régime as the Minister in charge that this matter was first brought to light, which was not proceeded with.

Sir, with all humility I submit that this evinces an extremely rotten state of affairs, and what is surprising is that on similar accounts grants had also been provided in the year of grace 1942-43 and we find similar amounts placed also in the budget for 1943-44. We do not know what will happen to these grants provided.

Mention has also been made that under "Education," grants for adult education could not be utilised and certain other amounts also under "Education" had been left unutilised because schemes were not ready.

The third important matter to which I desire the attention of the House to be specifically drawn is that part of the report which relates to the financial position of the Detenu Training Schemes. (Mr. ABDUL WAHAB KHAN: The less said of it the better.) Sir, year after year on previous occasions certain members of the European Party tried to prove that it was the inefficiency or dishonesty of these detenu boys that had led to the collapse of some of these industrial undertakings started by way of encouragement to the detenus for learning industries. The facts, however, prove otherwise.

Sir, on page 21 and onwards of the report of the Committee of Public Accounts appears the report of a Special Officer on the financial position of factories and firms started under the Detenu Training and Setting-up Schemes.

Mr. SPEAKER: Dr. Sanyal, how long do you propose to take?

Dr. NALINAKSHA SANYAL: How long do you propose to have this debate, Sir?

Mr. SPEAKER: I find it is already time for prayer. If you take a long time I will have to adjourn the House for prayer.

Dr. NALINAKSHA SANYAL: I do not want to intervene in the prayer; I will take another 10 minutes at least.

Mr. SPEAKER: In that case I will adjourn the House.

(The House was adjourned for 15 minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, resuming where I left before we adjourned I would like to invite the attention of the members to the report of the Special Officer on the financial position of factories and farms started under the Detention Training and Setting-up schemes. In that report mention has been made of the manner in which these schemes were administered and the control that was exercised by the Department of Industries over the same. Speaking of brass, bell-metal and cutlery industries the results of audit of the accounts of the above-mentioned concerns as conducted by a firm of Chartered Accountants reveal many irregularities mentioned on pages 24 and 25 of the report. I will just mention one or two of these irregularities to show how things were managed. With regard to the Bengal Industrial Works the auditor said "we have had inspection of the mortgage document and we find that it is executed on the 9th August, 1939, *i.e.*, after we had completed our audit and requested inspection of the document". Sir, speaking of the irregularities generally the report goes on to say in paragraph 11 "the above irregularities brought to notice by the Chartered Accountants go to show that the element of supervision was practically nil, although constant supervision was essential, especially in the earlier stages, to safeguard the interests of Government. No adequate steps appear to have also been taken to secure careful watch over the proper maintenance of accounts by the factories and also their audit at regular intervals. This precluded the possibility of ascertaining the financial position of the concerns at any time specially before a fresh loan is granted". Speaking of the pottery concerns which involved a capital expenditure of Rs. 3,64,000 by Government the report mentions an unholy transaction under which one Mr. Jhunjhunwala, proprietor of Shree Gobinda Glass Works, was given the entire lease of the potteries just before the war. It is now understood that Mr. Jhunjhunwala is at present making huge profits whereas Government from year to year is faced with a loss on this account. A certain agreement was entered into and the main conditions of the agreement are mentioned on page 27.

Sir, in paragraph 16 of the report dealing with the financial position of the pottery factories the Special Officer says "I think it will not be out of place to mention here some instances to show that the provisions of the agreement have not been observed", and yet, Sir, that Jhunjhunwala is merrily carrying on the business at Government cost; and in conclusion, the report says in paragraphs 18 and 19 that in the circumstances Government cannot reasonably expect to realise anything either on account of principal or interest during the currency of the existing lease. On the contrary Government are losing more in the shape of the interest which is being charged by the lessee in advance on rent, depreciation on machineries, etc. It is a most unconscionable arrangement. The lessee who has entered into an agreement on certain terms continues to enjoy the fruits of the industry and charges the Government with the interest that he is supposed to have earned for certain advances of money given to Government.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: What is the date of the transaction?

Dr. NALINAKSHA SANYAL: The date of transaction is April, 1940, and this transaction was entered into when the previous Government was in office and when the Hon'ble Minister in charge was the Hon'ble Nawab Bahadur of Dacca who still continues to be a member of the Council of Ministers and this was done on the teeth of opposition both of certain members of this House who brought it to the notice of the House as well as of the so-called partners, the detenus themselves. And the learned author of the report goes on further to say that in the circumstances it could be a sounder policy if the potteries were closed down in 1940 and the assets were sold out forthwith instead of leasing out the same which would go to depreciate in value for a further period of five years till the termination of the existing loans. It is a matter to which I draw the attention of the Hon'ble Ministers present here, particularly the Hon'ble Chief Minister who is also the Finance Minister: will he allow this state of affairs to continue indefinitely? Speaking of the unbrella factories the report points out that it is a matter for consideration whether it was advisable for Government to incur any further expenditure in the shape of costs of law suits for the sole benefit of the concerns seeing that Government had no prospect of realising even a small portion of the capital and curiously enough money is being spent by Government even on account of these industrial undertakings. "The best thing in the circumstances", recommends the report,—the report was of a Government official appointed specifically to go into these things—"seems to be to sell the assets forthwith so that the sale proceeds may be applied to the liquidation of Government loans to which the assets were mortgaged if there was anything to be left at all". And, Sir, one funny remark there is in the last part of the report. The auditors were sought to be bribed, a firm of Messrs. Roy & Roy's reputation was sought to be bribed and in whose interest it was done we do not know. The author says "in conclusion I may add that the auditors commenced their audit in the latter part of the year 1938-39 and they had to receive a total fee of Rs. 2,500 for conducting the audit of two branches, namely, Rs. 2,000 for factories and Rs. 500 for agricultural farms but they were paid Rs. 2,000 in March, 1939, after completing an audit which involved a capital outlay of Rs. 1 lakh only". It is not clear why the audit fee was paid in advance before they completed the audit of the remaining big concerns, namely, the pottery and umbrella concerns where most of the irregularities were discovered and the capital involved there was more than Rs. 5½ lakhs. Sir, the Committee on Public Accounts of 1940-41 has done a signal service by bringing to light these things and I do hope that a serious note of this will be taken by Government. There is one other matter, Sir, to which I invite the attention of Government in this connection..... May I have the ear of the Hon'ble Minister in charge, Sir?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, am hearing.

Dr. NALINAKSHA SANYAL: There is one other vital matter. It was pointed out in the course of a discussion at a previous meeting of the Public Accounts Committee that large sums of money were in the course of the year being allotted for expenditure under different heads which were

not previously even under the contemplation of Government and which in the technical terminology of the Accountant-General is called "new service'. It was one of the healthy conventions created in the pre-provincial autonomy days that any "new service" expenditure will have first to get a token grant provided for it by the House, this Legislature, and unless a token grant was made, it would not be fair for the Government of the day to indulge in large expenditure on new items. In the year under review a very large amount was spent on the purchase of jute; the object then was to stabilise jute prices. As you might remember, the scandals in connection with the purchase of jute in the *fatka* market were revealed in the House and large sums of money were involved. When it was pointed out that the Accountant-General ought to have exercised sufficient scrutiny to prevent such sums of money being spent on "new services", the Auditor-General reported that he made a previous reference and that he had the opinion of some higher authority that this could be permitted when the Council of Ministers sanctioned it and it may not be provided as a new service because after all it comes within the purview or jurisdiction of the Council of Ministers. (At this stage the red light was lit but the honourable member was allowed to conclude his speech.) This year also we find certain large sums of money have been and are being provided on what we consider as "new services". I do realise that subsequent to the expenditure there was a supplementary demand and that by voting that supplementary demand we have regularised *post-mortem* cases but, Sir, it is not a case of regularising expenditure already incurred. I submit that the present Government should exercise sufficient scrutiny and see that no new expenditure is incurred in the course of the year without first coming before the Legislature and if the scheme is not fully mature the Legislature ought to be apprised of the position by a token grant at least. I do place on record my appreciation of the work done by the members of the Public Accounts Committee who were assisted by the Deputy Secretary (Finance) and who were also advised by the Accountant-General, Bengal.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I must express my thankfulness to Dr. Sanyal for the very thorough analysis of the report and some very useful suggestions as regards the avoidance of the defects as have been disclosed in the report. Sir, it is not possible for me to cover the whole ground because I am somewhat unacquainted with the details to which Dr. Sanyal has referred, and particularly because most of these matters refer to things done two or three years ago when I had absolutely nothing to do with these budgets, and I am sorry to say that I have no time at the present moment to study them in detail.

Now, Sir, there are one or two important matters to which I think I might direct the attention of the House in reply to the observations made by Dr. Sanyal. The first is as regards the detenu training scheme. As Dr. Sanyal is himself aware, the scheme was undertaken with very high hopes that it would be possible to shape the career of young men who, whatever their motives might have been, were led to activities which seriously interfered with their studies and also with their career in life.

Government thought that if training were given to these young men to make them useful members of society that would be one method of weaning them away from questionable surroundings and with that end in view the Detenu Training Scheme was started. The scheme was initiated in 1936 and it was *quasi*-political in character and it has got to be conceded that owing to the extreme urgency of the matter, the business and accounting side of the undertaking could not be properly planned. All these defects and irregularities which have been brought out in the report of the Special Officer were due mainly to this want of planning. The Government of 1936 had very little experience of commercial undertakings or of safeguards which were necessary to prevent loss and leakage. The technical experts in charge of the scheme would certainly be counted upon to advise on technical aspects. It was hardly fair to expect that they would also be in a position to suggest adequate safeguards from the accounting or from the commercial point of view. For this purpose the advice of the Accountant-General and the advice of the commercial experts would have been the only proper advice. I do not propose to criticise the Government of 1936 for failure to obtain such advice since the considerations which weighed with that Government are not known to me, but I feel that it would not be fair to overlook this aspect of the matter, as has been raised by the late Chairman of the Public Accounts Committee. The report of the Special Officer is being considered by the administrative department and its decision will in due course be placed before the Public Accounts Committee. It is hardly necessary for me in these circumstances to say anything further on the subject.

Sir, Dr. Sanyal has also referred to savings in respect of provisions for nation-building departments. These savings are, however, less than in the preceding year, the percentage of total saving being only 6.

Now, I come to lump provisions. As it would appear from the report itself of the Public Accounts Committee, many of the members condemned the making of lump provisions without any schemes in order to carry out the objects which the provisions had in view. I am glad to be able to say that the number of lump provisions has been considerably reduced. The provision for Rural Reconstruction could not be utilised as no satisfactory comprehensive scheme could be got ready. The House would surely agree that it would have been wasteful to spend money without any proper scheme.

Then comes the question of provision for climatic sanatorium. This could not be utilised because no suitable site was available. This difficulty has not yet been solved, but efforts are being made to have a climatic sanatorium as early as possible and I hope it will be not in the distant future that we shall see our object fulfilled.

Sir, I have got very little to say with regard to the general remarks that have been made. All we can say is that Government will consider very carefully the suggestions that have been made and will try to improve matters so that the next report of the Committee on Public Accounts may be less open to objection.

Excess Grant, 1940-41.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move—

(1) That an excess grant of Rs. 3,295 be voted by the Assembly to regularise the expenditure in excess of the voted grant in the year 1940-41 under the major head "28—Jails and Convict Settlements".

(2) That an excess grant of Rs. 44,440 be voted by the Assembly to regularise the expenditure in excess of the voted grant in the year 1940-41 under the major head "Interest-free Advances".

The motions were then put and agreed to.

GOVERNMENT BILLS.

The Calcutta and Suburban Police (Amendment) Bill, 1941, as passed by the Bengal Legislative Council.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be continued under the proviso to rule 19(2) of the Bengal Legislative Assembly Procedure Rules.

The motion was put and agreed to.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be taken into consideration.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move by way of amendment——

Mr. SPEAKER: There is no amendment to this Bill.

Khan Bahadur MOHAMMED ALI: Sir, I tabled an amendment.

Mr. SPEAKER: I think that is with regard to the next Bill.

Dr. NALINAKSHA SANYAL: Sir, here I have got the notice of the circular also.

Mr. SPEAKER: That is with regard to the Calcutta and Suburban Police (Amendment) Bill, 1942. We are at present concerned with the Bill of 1941.

Dr. NALINAKSHA SANYAL: Sir, may we know what is the difference between the two, because I have got two copies and both of them seem to be the same.

Mr. SPEAKER: I see from the agenda that there is one Bill called the Calcutta and Suburban Police (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, and the second one is the Calcutta and Suburban Police (Amendment) Bill, 1942. These are two quite different things.

Dr. NALINAKSHA SANYAL: Sir, we would like to know the main provisions of this Bill which we are now asked to consider and pass.

Mr. SPEAKER: The Bill was circulated in time.

Dr. NALINAKSHA SANYAL: Might have been. I would request the Hon'ble Minister in charge to give us an idea about the main provisions of the Bill, because, Sir, it appears that we were misled by the slight difference between 1941 and 1942 and we thought that we were dealing with the 1942 Bill. So, will the Hon'ble Minister kindly give us some idea?

Mr. SPEAKER: Dr. Sanyal perhaps knows it very well that it is very difficult orally to give an exact idea about the provisions of any Bill in a House like this.

Dr. NALINAKSHA SANYAL: I want to know the object of the Bill. He may read the Statement of Objects and Reasons.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the Bill emanated from the Council and Sir Nazimuddin was the Minister in charge. He has stated very briefly but as far as possible the information which has been given in the Statement of Objects and Reasons. More than that I cannot say anything. If the honourable member so desires I shall read the Statement of Objects and Reasons. As stated by the then Home Minister when he introduced the Bill "A special enquiry by the Deputy Commissioner, Port Police, revealed that the conditions existing in seamen's lodging houses known as '*lathi* houses' in Calcutta are exceedingly bad. Not only are these houses insanitary and overcrowded, but the proprietors take every advantage of the sailors who stay there. With a view to control these houses, and in pursuance of Government's policy of improving conditions for Indian seamen the proprietors were required to take out licences under section 39 of the Calcutta Police Act, 1866, and under section 22 of the Calcutta Suburban Police Act, 1866. Recently however a man who was prosecuted for running a *lathi* house without a licence was acquitted on the ground that as no food was supplied, the sections of the Acts mentioned above did not apply. Government is advised that in the absence of a clear definition of 'lodging house' in the Acts referred to, the acquittal was not improper and considers that the Acts should be amended so as to include these houses within their scope. The present Bill is an attempt to ensure proper control of these houses, and thereby, to protect the seamen who take shelter therein." To this, Sir, I have nothing further to add.

Dr. NALINAKSHA SANYAL: Sir, I have the painful duty to oppose the consideration of this Bill, because I find that certain dangerous principles are being introduced within the framework of an apparently innocuous language. Here the Calcutta Police are being empowered with the authority to enter into and control lodging houses in addition to the power that they already have in case of refreshment room, eating house, coffee house and the like. Sir, this Bill, as I have now discovered, seeks to widen the scope of the issue of licences in the city of Calcutta by the Police, and, Sir, even lodging houses are being brought within its purview. The definition of a "lodging house" is not properly given and I do not know if students' messes or boarding houses or even hostels would not come within the purview of this licensing. I feel, Sir, that the Police have

already through the existing machinery of licensing exercised some kind of oppression on peace-loving and law-abiding citizens, because I know of several cases in which licences were refused on grounds entirely unconnected with the provisions made under the Places of Public Amusements Act. Sir, in spite of this, we are now including lodging houses whether any kind of food, drink or drug is supplied for consumption therein or not, that is, even if there is no food to be served, if it is a mere place of abode, even that would have to obtain Police licences. This is a rather serious matter and we are not convinced as to why such a drastic measure was sought to be introduced. I quite realise that the previous Government or the then Hon'ble Minister in charge, Sir Nazimuddin, might have been influenced to help the Police in extending their jurisdicition of oppression and repression, but I cannot understand why the Hon'ble Mr. A. K. Fazlul Huq also should permit himself to be dragged into the trap. I feel that sufficient scrutiny should be directed to this legislation and such wide powers should not be given unless a proper definition of "lodging house" is devised; because taking advantage of this new clause which is introduced, your house, my house or anybody's house may come under the mischief of licensing, provided we share the same lodging with some other people. Sir, under the economic circumstances in which we are living it is not unlikely that in a big house with several flats, several householders will live each having his own messing and lodging, and we do not know if the Police will demand licensing for all such houses in Calcutta.

I respectfully submit, Sir, that this Bill requires further study and I request the Hon'ble Minister in charge to hold it over or at least to hold over the final stage of passing till he has more time to apply his mind on this question.

Khan Bahadur MOHAMMED ALI: Sir, I am sorry I cannot quite agree with Dr. Nalinaksha Sanyal when he opposes this legislation. Sir, this is a very important Bill which cannot brook any further delay. What Dr. Sanyal has pointed out is merely an attack against the policy and not against the provisions of the Bill. What I want to say is that the provisions of this Bill should become law as early as possible, because at the present moment seamen who mostly live in lodging houses are greatly inconvenienced on account of want of sanitation and other amenities provided by the lodging house-keepers. There the seamen are given small rooms badly ventilated, without any light and without any air.

Dr. NALINAKSHA SANYAL: That is a matter for the Corporation of Calcutta: the Health Department of the Corporation will look into it.

Khan Bahadur MOHAMMED ALI: That is the reason why there should be some amount of control and Government should arrange for proper ventilation and proper light, that is to say, the poor seamen and other persons who are overcrowded in small slums should be provided with better facilities. The system of compelling the house-keepers of seamen to obtain licences would be welcomed, for in that case Government can force the hands of those who are providing the ill-paid wage-earners including the seamen of

Calcutta with lodging houses. Of course, Sir, Dr. Sanyal is right that there is a likelihood of these powers being abused, but that is not the reason why this Bill should be opposed, but if Government keep a watch over the department of licence and make requisite provision for sanitation and ventilation, there can be no objection to this Bill. Sir, this Bill should have been passed a year ago: I do not know why Government have placed this Bill before the House after 15 months. I hope the earlier this Bill is passed, the better it would be for the poor seamen of Calcutta.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as has been pointed out by Khan Bahadur Mohammed Ali, the object of the Bill is not to arm the police with powers but to try to remove inconveniences, difficulties and hardships to which these people are subjected.

Dr. NALINAKSHA SANYAL: Can the two views be harmonised?

The Hon'ble Mr. A. K. FAZLUL HUQ: It may be as Dr. Sanyal has pointed out that if these powers are given to the police they may be abused. But, Sir, that does apply to every legislation: whenever the police is given any power there is likelihood of that power being abused. So that should not be the reason why we should put off beneficent measures like the present one which is long overdue. As a matter of fact, when the Bill was passed by the other House no serious objection was taken. I submit that the Bill should be passed into law and then if it is found that there are practical difficulties——

Dr. NALINAKSHA SANYAL: Is there any definition of lodging house in the general law or in any other law?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not in the general or any other law, but it is generally understood. But if there were really any difficulty about its definition, well, Sir, that could have been made clear by an amendment, but I find there are no amendments to that effect.

Dr. NALINAKSHA SANYAL: Sir, if the Hon'ble Chief Minister would kindly hold it over, we can put in short-notice amendments.

The Hon'ble Mr. A. K. FAZLUL HUQ: But, Sir, I cannot put it off indefinitely. As regards the lodging house I think the definition is quite well known. If it were otherwise, I would certainly have consented to define it.

Dr. NALINAKSHA SANYAL: Would it or would it not include students' hostel? Let us know whether students' hostel or boarding house would be included.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the Statement of Objects and Reasons makes it clear what the purpose of the Bill is.

Dr. NALINAKSHA SANYAL: Will law courts accept it?

The Hon'ble Mr. A. K. FAZLUL HUQ: When it comes to a law court and the law court holds otherwise, we will then amend the Bill accordingly.

Mr. P. BANERJI: But then the mischief would be already done.

The motion of the Hon'ble Mr. A. K. Fazlul Huq that the Calcutta and Suburban Police (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be taken into consideration, was then put and agreed to.

Clauses 1, 2 and 3.

The question that clauses 1, 2 and 3 stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill, was then put and agreed to.

The Hon'ble Mr. A. K. FAZLUL HUQ: I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1941, as settled in the Assembly, be passed.

The motion was put and agreed to.

The Calcutta and Suburban Police (Amendment) Bill, 1942.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to introduce the Calcutta and Suburban Police (Amendment) Bill, 1942.

(The Secretary then read out the short title of the Bill.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1942, be taken into consideration.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1943.

Sir, it has been mentioned by the sponsor of this Bill that the object of this Bill is to remove a lacuna so as to prevent cycle rickshaws from plying in the streets of Calcutta. I do not know whether the intention of the Legislature was to empower the Commissioner of Police to prevent any particular type of vehicles to ply in the streets of Calcutta: the question of lacuna therefore does not arise. Apart from that I do not know why the Hon'ble the Chief Minister has stated that they constitute a serious danger to the public in the streets of Calcutta. I do not understand how the cycle rickshaws could constitute a serious danger to the passengers of these rickshaws or to other people. So far as the danger to pedestrians is concerned, I think motor-cars are the greatest source of danger. So far as the passengers are concerned, I do not at all understand how a combination of a cycle and rickshaw could be more dangerous than an ordinary cycle or a rickshaw. Therefore, I do not think that the House should agree with the Chief Minister when he says that it is a menace or a serious danger. Apart from that, in these days of strict petrol rationing I do not know why Government should prohibit the use of this type of vehicles on the

streets of Calcutta. When cycle rickshaws are allowed to ply in all district and subdivisional headquarters of the province, there is no reason why Calcutta should be prevented from having this kind of vehicles to ply.

Sir, another question of importance which the House should take into consideration is this: by permitting the use of cycle rickshaws in Calcutta not only will they remove a great inconvenience but they will also help those who cannot afford to pay for taxis or hackney carriages. Further it will open up a new avenue of employment for a certain class of persons who cannot for obvious reasons become rickshaw-pullers but will come forward to earn a living by working as drivers of cycle rickshaws. Sir, this is an opportunity of solving the unemployment of this province to a certain extent, because the driving of cycle rickshaws is not a very hard or strained work. Therefore a larger section of unemployed young men can take up this profession. Apart from this an important question of principle is involved. I do not see why the Commissioner of Police and the police authorities should be empowered with these powers to prevent a particular type of vehicles from plying in the streets of Calcutta. The police have already got power to prescribe specifications or special regulations for various kinds of vehicles plying in Calcutta, and beyond that they should not be allowed to have any more power to prevent motor cars, taxis, hackney carriages or any other kind of vehicle from plying in Calcutta. Therefore I do not think, Sir, that the House should give this wide power to the Commissioner of Police over and above the powers already enjoyed by the Commissioner of Police. Besides, as I have said, an important principle is involved. I hope the Hon'ble the Chief Minister will not press this Bill before he obtains public opinion. Let this Bill be circulated for the purpose of eliciting opinion and if he finds that the volume of public opinion is very great then he can put this up before us for consideration and then this legislation may be passed. But before ascertaining public opinion I do not think he should proceed with this Bill in this hasty manner.

With these words, Sir, I commend my motion for the acceptance of the House.

Dr. NALINAKSHA SANYAL: Sir, I entirely agree with all that my friend Khan Bahadur Mohammed Ali has said, although he does not agree with me on many occasions and the only difference between him and my humble self is this. I have proposed a shorter period for public opinion to be collected and if the Hon'ble Minister in charge thinks that even a shorter period than what I have proposed might help him to get the Bill passed in the present session of this Assembly, I am prepared to bring it down to something like the middle of March, because opinions of two or three important bodies have not been sought which should have been sought and which might help to obtain generally public opinion, viz., the opinion of the Calcutta Corporation, the opinion of the Howrah Municipality, the opinions of the Tollygunge Municipality and the Cossipore and Dum Dum Municipalities. If a short period is given the public at large may not have any opportunity of expressing opinion but a limited public who are directly involved or interested in this Bill may yet have an opportunity of

expressing their opinion on the provisions of this measure. Sir, it is only fair that the institutions and local bodies concerned should have at least an opportunity of expressing their opinion on a measure like this which not only involves the question of safety of the people within those respective local bodies but also the convenience of the persons who are now faced with difficulties due to restricted transport facilities.

I move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 21st March, 1943, with shorter notice given with your permission.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I fully appreciate the force of the argument that the Calcutta Corporation and the important municipalities in the suburbs should be consulted and I therefore accept Dr. Sanyal's suggestion and I suggest that the 25th March be substituted in place of the 21st March.

Dr. NALINAKSHA SANYAL: Just as you like.

Khan Bahadur MOHAMMED ALI: 31st March would be better.

The Hon'ble Mr. A. K. FAZLUL HUQ: The point is that I am entirely in the hands of the honourable members. We want, if possible, to get the opinion and if we can do it, pass it through this session. I do not know how many days will be required.

Dr. NALINAKSHA SANYAL: We may meet in the first week of April, so that if we get the opinion by the 25th March we can pass the Bill in the first week of April.

Mr. SPEAKER: I think Khan Bahadur will withdraw his motion.

Khan Bahadur MOHAMMED ALI: I can substitute 25th March if you like. I give a short notice that 25th March be substituted in place of 30th June.

Mr. SPEAKER: I think one of you will kindly withdraw your motion. That will be better.

Khan Bahadur MOHAMMED ALI: All right, Sir. I beg leave to withdraw my motion.

The motion of Khan Bahadur Mohammed Ali that the Calcutta and Suburban Police (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1943, was then, by leave of the House, withdrawn.

The motion of Dr. Naliniksha Sanyal that the Calcutta and Suburban Police (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 25th March, 1943, was then put and agreed to.

The Bengal Vagrancy Bill, 1943.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, I beg to introduce the Bengal Vagrancy Bill, 1943.

(The Secretary then read the short title of the Bill.)

Sir, I may confidently claim——

Dr. NALINAKSHA SANYAL: Sir, it has been the convention of this House that in the introduction stage of a measure the name only is read out and it is only at the consideration stage that a statement on Objects and Reasons is made.

Mr. SPEAKER: Do you take exception to his speaking on this motion for introduction?

Dr. NALINAKSHA SANYAL: His motion has already been accepted. As soon as the Secretary announces, the convention is that we do not raise any objection; otherwise if a speech is allowed it will open a debate. If you allow that we are certainly prepared to listen to him.

Mr. SPEAKER: As far as I know the convention is that after a Bill is introduced the Secretary announces the title. That is the procedure, but I am not quite sure whether any speech at that stage is not permissible. I am not sure about this; but as you say the motion has already been accepted, and whether after that any speech is necessary is another question altogether.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The rules actually do not prevent the Hon'ble Minister to make a preliminary speech but the convention has been otherwise. But in case you permit according to the rules strictly the Hon'ble Minister to proceed with the speech with the introduction, then it will open a debate and in that case under the rules we shall also claim to speak on the same and the whole thing will be debated. That generally happens in the consideration stage.

The Hon'ble Mr. SANTOSH KUMAR BASU: All right, the speech will be made at the consideration stage.

Adjournment.

The House was then adjourned at 6-25 p.m. till 10 a.m. on Wednesday, the 3rd March, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 3rd March, 1943, at 10 a.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 7 Hon'ble Ministers and 188 members.

STARRED QUESTION

(to which oral answer was given)

Appointment of Scheduled Castes in service according to Communal Ratio Rules.

*92. **Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any other castes, communities or religions should get any appointment from the communal service ratio quota set apart for the Scheduled Castes?

(*b*) If the answer to (*a*) is in the negative, what steps, if any, the Government contemplate to take in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Only those castes declared as Scheduled Castes for Bengal in the Government of India (Scheduled Castes) Order, 1936, will get appointments reserved for the Scheduled Castes.

(*b*) Does not arise.

Mr. ATUL CHANDRA SEN: May I submit, Mr. Speaker, that there is no quorum in the House?

Dr. NALINAKSHA SANYAL: Mr. Sen, you need not be very anxious to put off the business of the House on that plea. There is just quorum.

Mr. SPEAKER: Yes.

Mr. PUSPAJIT BARMA: Will the Hon'ble Minister be pleased to state whether it is a fact that some non-Scheduled Castes people are getting appointments in Government service by calling themselves Scheduled Castes, and, if so, what steps Government are taking to prevent this sort of irregularities?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware, but if there is any specific case which the honourable member can bring to my notice, I shall certainly look into the matter.

Mr. PUSPAJIT BARMA: Will the Hon'ble Minister try to enquire into the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes. As I have said it would be better if the honourable member would give me some details, so that I may start an enquiry; otherwise it will be very difficult for me.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that Rai Sahib Kirit Bhusan Das, a member of this House, who has smuggled himself as a Scheduled Caste and who is now a pillar of the Government Party, is not a Scheduled Caste member? This fact was brought to the notice of the Magistrate concerned. Appeals were heard and it was held that some members of his family still continue to be in the roll of the General constituency—Caste Hindu seats, and, Sir, in spite of all this, a relation of Rai Sahib Kirit Bhusan Das has been appointed recently as a nominated member of the Berhampore municipality having smuggled himself again as a Scheduled Caste member. Is the Hon'ble Minister aware of these facts?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, just now the Hon'ble the Chief Minister wanted specific instances to be brought to his notice. I am asking if he is aware of this specific instance.

Mr. SPEAKER: But this is a question regarding appointment in Government service.

Dr. NALINAKSHA SANYAL: It arises out of the answer of the Chief Minister.

Mr. SPEAKER: It relates to appointments in Government service and not to election to this House.

The Hon'ble Mr. A. K. FAZLUL HUQ: When Dr. Sanyal is insisting on an answer I can say this——

Mr. K. SHAHABUDDIN: Mr. Speaker, how does it arise, Sir, when you have already ruled out that the question does not arise.

Mr. SPEAKER: I have already given my ruling that this question does not arise. I now ask Mr. Mirza to put his question.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that no appointment set apart for the Scheduled Castes according to the Communal Ratio Rules goes to the Muslim community, but many appointments specially reserved for the Muslims go to the non-Muslim communities?

Mr. SPEAKER: That question also does not arise.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the Government has any machinery to look after the non-observance of the Communal Ratio Rules by the appointing authorities in the matter of appointment of Scheduled Castes or anybody else?

The Hon'ble Mr. A. K. FAZLUL HUQ: As the honourable member is aware there is a Communal Ratio Officer who looks after the due observance

of the Communal Ratio Rules. If there is any breach of the rules, it is open to the party or parties aggrieved to bring the case to the notice of the Communal Ratio Officer and, if necessary, to the notice of Government.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state where that officer has got his office and has he discharged his function?

The Hon'ble Mr. A. K. FAZLUL HUQ: He sits in the Secretariat.

Mr. PUSPAJIT BARMA: Will the Hon'ble Minister be pleased to state the name of the officer appointed for maintaining the communal ratio quota?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Communal Ratio Officer has been appointed by Government principally to decide questions as to whether certain appointments should be given to certain communities according to the Communal Ratio Rules and to see whether the rules have been observed or not. All matters arising out of due observance of the Communal Ratio Rules come under his notice.

Mr. PUSPAJIT BARMA: Sir, I wanted to know the name of the officer appointed for this purpose.

The Hon'ble Mr. A. K. FAZLUL HUQ: Formerly we had Mr. McC. Sharpe and now the work is being done by Mr. Bapat who is the Deputy Secretary of the Home Department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a relation of Rai Sahib Kirit Bhusan Das has been appointed a Sub-Registrar as being one of the Scheduled Caste community?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

(Starred question No. 93 was then called.)

Dr. NALINAKSHA SANYAL: May I submit, Sir, that some of these questions which are likely to evoke long replies and supplementaries may be held over till the next sitting, *i.e.*, the afternoon sitting, because the time now is limited?

Mr. SPEAKER: If the House has got no objection that may be done, because we will have to discuss a very important matter. I take it that the House has got no objection.

(As there was no objection the questions were held over.)

Adjournment motion.

Mr. H. S. SUHRAWARDY: Sir, I beg to move that the House do stand adjourned to consider a matter of urgent public importance, namely, the misapplication of Ordinance II of 1942.

Sir, the task of making out a case on behalf of this motion has been greatly lightened by the fact that the Home Minister has confessed his

ignorance of the contents and merits of the resolution. Although I gave notice of this motion on the very first day the House sat with details of at least one case in the statement of facts, although it was sent by your office to his office, although, as you well know, Sir,——

Mr. K. SHAHABUDDIN: May I request you to see that there is silence in the House? There is conversation going on on that side.

Mr. SPEAKER: Order, order.

Mr. H. S. SUHRAWARDY: Although adjournment motions are brought immediately to the notice of the Ministers concerned, although I mentioned it several times on the floor of the House for a date, although the Deputy Speaker read it out on two separate occasions from the Chair, the Home Minister was taken utterly by surprise when I moved the adjournment of the House on the last occasion and categorically stated that until the previous day he had no knowledge that such a motion was going to be moved and he did not know what the motion was about. It is true, Sir, that the Ministers have had a very strenuous time ever since they took office. On the one hand they had to formulate the details of their policy of no advancement; there were so many matters pending affecting the welfare of the people, there were so many ideas seething in their brain, they were so anxious to do something that it must have been a terrible mental strain and must have cost them tremendous labour to avoid doing any work. So they had to confine themselves only to issuing permits for sugar and rice, settle shops with their favourites and themselves and taking occasional trips to Delhi. Why, Sir, the trips to Delhi were so urgent that the Chief Minister on one moonlit night in December, after having spent three nights out, at Jhenida, Berhampore and Barisal, he suddenly recalled —the recollection was stimulated by the inconsiderate visits of Japanese bombers over Calcutta—that he had a Food Conference in Delhi during the Christmas, issued a statement accordingly and incontinently packed up his belongings, reserved a compartment and rushed to the scene of his labours—all in the space of a few hours——

Mr. SPEAKER: Mr. Suhrawardy, these are only preliminaries. May I ask you now to come to the point?

Mr. H. S. SUHRAWARDY: Sir, it is only to explain to the House the reason why the Hon'ble Minister is so ignorant of this problem that I have to show that he had so much work to do——

Mr. SPEAKER: But I would ask you now to come to the point. You know your time will be short.

Mr. H. S. SUHRAWARDY: All right, Sir. I will come to the point although there were other such activities of the Chief Minister which took so much of his time, but which I will avail myself of another occasion to explain.

Now, Sir, by pleading ignorance the Hon'ble Minister has shifted the responsibility for the misapplication of the Ordinance already on the

shoulders of the permanent officials but he really should not be permitted to shed his responsibility for his gross negligence so lightly. On this occasion there is less excuse than on any other. We have been ventilating this grievance on previous occasions and at a meeting of the Working Committee of the Bengal Provincial Muslim League we drew pointed attention of the Government to this grave error of justice. As the Hon'ble Minister, Sir, has confessed his ignorance, and may not up till now have placed himself in possession of the facts, I shall, Sir, with great patience place before him our point of view. This Ordinance was promulgated to provide for the setting up of special criminal courts; it is an Ordinance of the Government of India but it is not applicable to a province unless the Provincial Government declares it to be in force in the province. Now the Provincial Government is expected so to declare if it is satisfied of the existence of an emergency arising from a hostile attack on India or on a country neighbouring on India or from the imminence of such an attack. I am here using the language of the Statute with which you are very familiar, Sir, and I believe not very long ago you moved the High Court to interfere in a matter arising out of this Ordinance. Sir, the Provincial Government has adopted this Ordinance, but it can only apply to offences which have some relation to an actual attack on India or on a country like Burma or to the imminence of such an attack. To, therefore, a Government not of abnormal intelligence it is apparent that this Ordinance would apply only in those cases which were connected with Fifth Column activities, civil disobedience movement or political sabotage or destruction for political reasons, or with a general upheaval in the country arising out of an attack by a foreign power or with the imminence of such an attack. It surely was not meant to apply to speeches or to disturbances of the peace or to ordinary dacoities or thefts or to dissatisfaction amongst the people with the present regime or to the desperate conditions arising out of the failure of this Government to deal with the economic problems and its criminal negligence and its criminal support of profiteers, black-marketers and hoarders. I would go further and declare that it is not meant to apply even to cases of ordinary sedition or to ordinary political disaffection. The crux of the whole matter is that special magistrates may only be appointed where the accused is charged with an offence which has some relation to the attack by a foreign power or the imminence of such an attack. What, however, do we find? This Ordinance is made applicable to ordinary disturbances of the peace and even to speeches which have no bearing on the attack by a foreign power or the imminence of any such attack. The great danger arising out of the application of this Ordinance is that in the first place the special magistrates think that they are dealing with very important cases of terrible political import and hence they must justify their appointment by a conviction followed by severe punishment. Secondly, the procedure of the criminal courts evolved after so many years of trial has been modified. The magistrate records only a memorandum of the substance of the evidence, he may refuse to summon witnesses and he is not bound to adjourn the trial. His authority which is generally limited to two years' rigorous imprisonment is extended to any sentence except the sentence of death or transportation

or imprisonment exceeding seven years and worse than everything else if the sentence does not exceed two years there is no appeal whatsoever nor can any court, not even the High Court, revise such an order or sentence. Even if the magistrate shows bias or conducts himself in a way which would under the ordinary law justify the High Court to transfer the case from his jurisdiction, it cannot do so.

It is clear that this law was promulgated to deal with extreme cases where an emergency has arisen which the ordinary courts cannot deal with. This aspect is further proved by the fact that the court may not even grant an adjournment for the purpose of securing the presence of a legal practitioner if in its opinion such an adjournment would cause unreasonable delay in the disposal of the case, and, as you are aware, courts always consider that the presence of the legal practitioner in the interests of justice causes unreasonable delay. (Laughter.)

Now, Sir, I shall give you two cases. I am sure that other speakers have many more and probably more cogent cases in their possession because the application of this Ordinance is a widespread scandal. One case, Sir, is from the subdivision of Natore. It is difficult to appreciate the enormity of the injustice unless one is conversant with the background. It was in Natore, Sir, that the Chief Minister met his Nemesis and his unpopularity stood exposed so thoroughly for all men to see that he has not dared to declare another constituency, namely, that of Balurghat, vacant, although the honourable member who represented it died as long ago as the 26th November, 1942. During the election, the Chief Minister was there for four days—and not for one day as he glibly stated on the floor of the House—travelling from place to place canvassing for the candidate who ultimately forfeited his deposit as a consequence of the support of the Chief Minister. The Chief Minister, Sir, canvassed, cajoled, threatened and used not only his official pressure but the pressure of the local Government servants to canvass, cajole and threaten the voters. In one corner of the subdivision—and this is the corner that we are concerned with in respect of the application of Ordinance II of 1942—in a village called Chachkoir in the thana of Gurudaspur, the local people, in fact, the poorest agriculturists have managed to put up a High English School which they have called after Sir Nazimuddin. They have raised as much as Rs. 15,000 by small subscriptions. The money comes mainly from the pockets of the poor. The project is ambitious and the funds are short of requirements. The Chief Minister went to the place and offered to the Managing Committee a magnificent donation of Rs. 25,000 if they, and in particular Maulana Tarkabagish who was the mainspring behind the movement, would support his candidate. The offer was spurned with scorn.

Now, we come to a date in September, 1942, when a few shops within 5 or 7 cubits only—that is the evidence of the Sub-Inspector of Police given in Court—were looted by some persons. The case for the people was that although the Sub-Inspector of Police was nearby, he did not arrest the actual looters, but after they had left, he pounced upon the unfortunate Muslims who had come to the *hat*. This was his opportunity. Persons

were arrested, detained or released as suited him and the charge was definitely made at the trial that the Sub-Inspector of Police had sent up those persons who could not satisfy his purse, whereas he had released those persons who could. Then, Sir, the wrath of this gentleman—who incidentally is a Muslim officer—fell mostly on respectable and important people of the village who had subscribed mostly to the Sir Nazimuddin High English School and it was with difficulty that they could manage to escape from his clutches. The enquiry and harassment went on for days and ultimately as many as 39 persons who had been arrested were released from custody. Grave and serious were the charges made at public meetings against this Sub-Inspector and an enquiry was demanded. Far from any enquiry being instituted into what was probably one of the grossest cases of oppression during investigation which has come within my notice in recent times, a Special Magistrate under Ordinance II of 1942 was sent to try this case. It is not contended even that this case has anything to do with any political movement or propaganda. It is not contended that this has anything to do with the attack or the imminence of any attack or that the occurrence was anything but a petty theft—the charge being under section 379 read with sections 147 and 120B. The unfortunate accused were convicted to two years' rigorous imprisonment.

Sir, I place before the House another case which comes from the subdivision of Munshiganj in the district of Dacca. A poor teacher of a primary school who was a local social worker is alleged to have made a certain statement to a shopkeeper in his shop. He is stated to have told the shopkeeper "For Heaven's sake, the poor people are starving; sell your rice at a lower rate, otherwise you know what has taken place recently in Narayangunj and the people may become so desperate that your things may be looted". Sir, it so happened and it was a matter of pure coincidence that some distance away in that locality one boat was looted not belonging to that shopkeeper but to outsiders and thereafter 4 or 5 days later another boat was looted. For the statement which he made to the shopkeeper, 12 days later—when the Sub-Inspector came to the scene of enquiry and the shopkeper reported this statement to the Sub-Inspector—the man was arrested and sent up before a Special Magistrate and he was sentenced to 18 months' rigorous imprisonment.

Sir, you are aware of the manner in which persons who are charged with making seditious statements, for instance, are convicted. The statement must be definite, it must be properly recorded, the statement must be taken as a whole and you cannot take small parts and convict on them. For this statement, for this warning that he gave to the shopkeeper, the man was convicted——

Mr. K. SHAHABUDDIN: Sir, may I interrupt for a minute? We are not going to put up any other speaker except the Leader of the party who might take a few minutes in winding up the debate. Therefore, may I request you to allow more time to Mr. Suhrawardy?

Dr. NALINAKSHA SANYAL: Sir, rules do not permit.

Mr. SPEAKER: I am sorry, my difficulty is the rules. That is why at the very beginning I asked Mr. Suhrawardy to cut short his preliminaries because I was always anxious to hear his indictment on this motion.

Mr. H. S. SUHRAWARDY: Sir, if you would kindly give me two minutes, I should like to make some suggestions.

Mr. SPEAKER: Yes I can give you two minutes.

Dr. NALINAKSHA SANYAL: Sir, rules leave no jurisdiction to you. I am afraid you cannot give two minutes.

Mr. SPEAKER: A point of order has been raised that it is beyond my powers to give time. The language of the relevant rule is this: No speech during the debate shall exceed 15 minutes in duration. I am not aware of any convention in this House that the time has ever been extended. I am inclined to allow him two minutes' time, but if I have no power, that will be *ultra vires*.

Mr. H. S. SUHRAWARDY: You have power, Sir. You can even suspend the rules if you like.

Dr. NALINAKSHA SANYAL: Sir, you can cover up the interruptions if you like.

Mr. SPEAKER: I allow Mr. Suhrawardy two minutes' time for this speech. It is a very interesting speech and I would have allowed him more time if I could. However, I allow him two minutes on this occasion.

Mr. H. S. SUHRAWARDY: If the Government does not know in which cases to apply it, it should give it up altogether now fortunately when the imminence of invasion or of an attack is becoming more and more remote. Unless there is a large-scale disturbance throughout the country which may have a serious effect on the war effort and may make the country or the province more vulnerable to attack from outside and less capable of dealing with attacks, this Ordinance should not be used, and for the sake of safety it would be far better if Government were to give it up altogether and re-impose it only when a widespread disturbance so demands and even then apply it with caution and discrimination. As for the cases which have already been decided I would like to have an assurance from Government that inasmuch as there was no justification for the creation of the courts of Special Magistrates to deal with these cases and inasmuch as there is no appeal or revision from these cases, these cases should be revised by Government itself or placed before a High Court Judge for his opinion on the merits. And where, as in the Chachkoir case justice so demands, an impartial enquiry should be instituted into the very manner of the investigation, and the complaints against the Sub-Inspector of Police be given adequate weight and consideration.

Sir, I thank you for the extension of time.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I rise to support the motion moved by my esteemed friend Mr. Suhrawardy. In fact, Sir, we

on this side of the House had also tabled an identical motion for debate and it was decided by the Deputy Speaker that, in view of the identical character of the two motions, the debate may proceed together on the same day.

Sir, complaints have been received and are still pouring in to show that in a number of cases the Provincial Government or the officers empowered by the Provincial Government under section 10 of the Special Criminal Courts Ordinance of 1942 have directed trials by Special Magistrates of offences or alleged offences which should be tried by ordinary criminal courts if at all and which offences could never have been contemplated to be triable by the Special Criminal Courts set up to meet the emergency, arising from a hostile attack on India or from the imminence of such an attack.

Sir, we have had in the last few months instances of lawless laws being utilised or abused by the executive Government for suppressing the legitimate civil liberties of the people. With regard to the application of this particular Ordinance the manner in which the powers of this Ordinance have been invoked is outrageous and, Sir, I would rely on about half a dozen cases and I would respectfully request the Hon'ble Minister in charge, instead of wasting his time and energy on party members and nibbling attempts at such late moment, that he should at least have the courtesy to give us a patient hearing. (The Hon'ble Mr. A. K. Fazlul Huq: I am very sorry, Sir.) Sir, I would rely on half a dozen cases in this connection.

The first case is one in which proceedings were drawn up against Mr. Kumar Singh Chajore of Jiagunge in the district of Murshidabad and ten others tried by a Special Magistrate in the town of Berhampore. The second case is that of Emperor *versus* Prafulla Kumar Bhowmik tried at Tamluk. The third case is Emperor *versus* Naba Kumar Bhowmik and Jatindra Nath Das also tried at Tamluk. The fourth case is Emperor *versus* Gadadhar Hait and others. They were tried in the same Court. The fifth case is Emperor *versus* Satish Chandra Chakrabarty for the alleged offence of hoisting national flag in his own house. The sixth case is Emperor *versus* Santosh Kumar Bhattacharji—fortunately or unfortunately not Mr. Basu (laughter)—tried by the Additional Chief Presidency Magistrate, Calcutta.

Sir, if time permits I shall give a brief account of all these cases, but I am afraid that as some of these cases are still *sub judice* it would not be fair for me to enter into the merits of the cases. I would therefore give a detailed account of one case which is no longer *sub judice* and which to my mind appears to be a typical case to draw the attention of this House and of Government too. In this case, Sir, Mr. Kumar Singh Chajore, a Commissioner of the Jiagunge-Azimgunge Municipality, and a member of a Special Debt Settlement Board and Evacuees Relief Committee, on the 19th June, 1942, incurred the displeasure of the officer-in-charge of Jiagunge thana, because in a meeting of the Commissioners of the Municipality at his instance a resolution was passed recording that the Commissioners deeply

regretted the apathetic attitude of the officer-in-charge of the local police-station at Jiagunge who it appeared from the report of the Chairman came for investigation so late as 10-30 a.m. instead of at 7-30 a.m. in connection with a fire in the municipal office and the Chairman and some Commissioners waited for him for full three hours, and it was reported that the officer-in-charge had not thought it fit to see the Chairman who alone was in a position to furnish him with all necessary particulars. Copies of this resolution criticising the conduct of the officer-in-charge were sent to the District Magistrate and to the Superintendent of Police.

Sir, as is recorded in the judgment delivered by the Subdivisional Officer himself—I am quoting the judgment itself—"The accused are not habitual thieves, robbers or dacoits." The case arose out of the stoppage of transit of a certain number of rice bags from Jiagunge town which was *bona fide* attempted to be stopped by some young men on the belief that at dead of night certain persons were removing rice from the area when the area was going very much short. And this they did at the request and suggestion of the Subdivisional Officer. The evidence recorded by the Magistrate and summed up in his own judgment is as follows: "The accused are not habitual thieves, robbers or dacoits. The accused Kumar Singh Chajore is a municipal Commissioner of the Jiagunge-Azimgunge Municipality He is a member of the Lalbag Special Debt Settlement Board. He is also a member of the Jiagunge High English School. He is a respectable gentleman. Witness Subdivisional Officer of Lalbag stated that there was scarcity of rice at Jiagunge and Azimgunge and for that from 18th August, 1942, or 19th August, 1942, he began to make inventory of the stock of rice at Jiagunge and Azimgunge; that he went from shop to shop and asked the shop-keepers not to sell rice without his permit; that in doing this he was accompanied by Rai S. N. Sinha Bahadur and the accused Kumar Singh Chajore; that he told the shop-keepers and others not to remove any rice from Azimgunge and Jiagunge of which he made an inventory without his permit; that he also asked the people to give him information if anyone removed rice of which inventory was not made yet; and that he might have told the people to persuade persons who might try to remove rice not to do this." Sir, this was the background in which some young men saw at 9-30 at night that a boatload of rice was being taken away from the town to some unknown destination. When this information was received by Kumar Singh Chajore and others they went to the boatmen, enquired about this matter and asked them not to take the boat out without special permit of the Subdivisional Officer. Thereafter, Sir, the police got seizin of the case on the following day and the case was at first started in the local Subdivisional Officer's Court under section 379/147, I.P.C., against a larger number of persons, about 15 at first and then it went up to 23 persons on 25th August, 1942. Subsequently it was directed under orders of the Superintendent of Police that the case was to be proceeded with under section 395, I. P. C., against the eleven accused mentioned above. Even after detaining these accused for a pretty long time from August right up to November, there was no attempt by the police to bring up the

case for trial. But an interesting thing happened in the meantime. The getlemen were on bail; bail was granted by the Subdivisional Officer. Just on the day the Courts closed before the Pujas an application was put in by the police before the Subdivisional Officer that bail should be cancelled and bail was cancelled because the Subdivisional Officer expressed openly in court: "I have been asked by the Magistrate to cancel the bail of the gentlemen" (Mr P. BANERJI: Shame, shame).

Mr. SPEAKER: I think the expression "shame" is unparliamentary.

Dr. NALINAKSHA SANYAL: It is not unparliamentary, Sir. Will you kindly look up the parliamentary practice before you give your ruling?

Mr. SPEAKER: It is desirable at least that the expression should not be used.

Dr. NALINAKSHA SANYAL: Sir, the bail was cancelled because——

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: Sir, my time will expire.

Mr. SPEAKER: I will give you time for that. You need not bother about the time.

Whatever may be the practice in the Mother of Parliaments as has been stated just now, I think we must not slavishly follow everything that is done in Parliament in England.

We have got to evolve our own tradition according to our own culture and it may be desirable that expressions that are allowed in the British Parliament may not be allowed here. I think it will be desirable that we all make it a point not to use the expression "shame" while discussing matters in this House.

Dr. NALINAKSHA SANYAL: Sir, "shame" may not be used in reference to members of this House or may not directly refer to particular individual or individuals, but it is always desirable that a certain amount of expression of indignation may be permitted in this House also.

Mr. SPEAKER: That is always permissible but I am not giving my final ruling on the use of the expression with regard to incidents which might appear to the members as highly objectionable and on which honourable members may express their resentment by the use of the expression "shame", but I think you will all make it a point not to make use of it with reference to a member of this House.

Dr. NALINAKSHA SANYAL: So it happened that on the 8th October, 1942, the date on which the courts were closed for seventeen days for the Durga Pujah festival and the bail was cancelled and the petitioners were sent to the *hajat*. Then the petitioners went to the Vacation Judge at Alipore.—and here, Sir, I am quoting from the certified copy of the judgment and I hope neither the Hon'ble Minister nor anybody else will question it—at Alipore and there they got the bail. The bail was moved

and they got the bail but the police having made serious objection, the bail was granted on the condition that these accused would not enter the Murshidabad district so long as the case would continue. As a result of that, for months together, these accused had to remain outside Murshidabad district. On the 2nd November the case was first taken up and the police put only two witnesses on the 3rd November when the police discovered that the case was not going on very well for them. The prosecuting Court Inspector then put in a petition alleging that the District Magistrate had transferred the case from the Court of the Subdivisional Officer, Lalbagh to the Court of the Sadar Subdivisional Officer but the Court in its order recorded: "I have not heard anything from the District Magistrate yet but when the Court Inspector has submitted his petition, I am helpless" On that very day, the 3rd of November, a petition was made by two of the witnesses to that same Magistrate alleging that they were at dead of night—at 2 a.m.—taken away from their home to the bungalow of the Superintendent of Police at Berhampore—a distance of 15 miles—and pressure was tried to be brought on them to give false evidence on behalf of the police. This was a matter of so much interest that immediately an enquiry was held and the thana officer concerned himself admitted and said "I am officer-in-charge of Jiaganj: at 23-50 hours I accompanied by the Assistant Sub-Inspector and his men went out to check patrol and I gave verbal instructions to Phani and Nepal to bring the two persons to the thana as directed by the Superintendent of Police. The Assistant Sub-Inspector returned to the thana at 2-15 a.m. I started with them for Berhampore at 2-30 a.m. and took them to the Superintendent of Police's bungalow and I filed a copy of the general diary entry". He of course added: "I did not ask the witnesses to go against their will". And, Sir, the Court found in their wisdom that as the Assistant Sub-Inspector acted on orders and did not exercise force and did not bring them against their will, no offence was committed. The funniest part of the case at that stage was that on the 3rd November the Court Inspector revealed that an attempt was made to have the case withdrawn from the Court of the trying Magistrate and although there was no order yet the trying Magistrate had to postpone the case. Then the District Magistrate was approached to get the case transferred and in due course the case was transferred. The interesting part of it is that we find from records that an application was put in by one Mr. A. Chakrabarty to the District Magistrate of Murshidabad and in that application he applied for the transfer of the case from the file of the Subdivisional Officer, Lalbagh to the file of the Sadar Subdivisional Officer and there he said among other things that "the Deputy Inspector-General of Police, Criminal Investigation Department, desires that the case should be tried at Sadar by a competent Magistrate". It is preposterous that an application should be put in formally on the ground that the Deputy Inspector-General wants this transfer, and although in the body of the application no mention was made the District Magistrate in his own wisdom without any reference to the accused and without calling for an explanation suddenly withdrew the case from the file of the Subdivisional Officer, Lalbagh, and transferred it

to the file of the Sadar Subdivisional Officer, and ordered that the case would be tried by him as a Special Magistrate. Thereafter, what happened is this: serious attempts were made by the accused to approach all parties. They approached one and sundry, and told everybody that it was a *bona fide* case in which there was no intention of robbery or theft. One honourable member of this House belonging to the Government Party—and I hope he will come out with his evidence—went to the Magistrate himself and told him what he was going to do in this case but the Magistrate said, "I am helpless, but if you can induce the accused to admit that they technically made a mistake, then I will see that the case is dropped". And what is surprising is that when a letter was written to that effect and handed over to the Magistrate, the same Magistrate did not think it necessary to drop the proceedings. Proceedings were continued and those respectable gentlemen were convicted for the alleged offence of theft, although the learned Magistrate observed as follows: "Considering the facts mentioned above, I do not think the accused removed the rice intending to cause wrongful gain to them. They did it from the humanitarian point of view when there was scarcity in the town and wanted to pay for it. The order of the Subdivisional Officer encouraged them to do it". And yet technically as it was an offence they were fined Rs. 50 each and there was no appeal and no reference to the High Court and no motion possible because it was tried by a Special Magistrate. This state of affairs is going on unchecked in Murshidabad and all this means that when the police failed to bring home the charges that they had wanted to prove, the Magistrate changed the section from section 379—looting—to section 403, I.P.C.—simple theft and misappropriation and convicted them. And thereafter what happened is this. When one of these gentlemen was a candidate for election his nomination paper was cancelled on the allegation that he had a criminal conviction and the Court of the learned Magistrate of the district thought that this was a matter involving moral turpitude. I am grateful to the Hon'ble Minister in charge of Local Self-Government to whom a reference was made and who immediately directed the District Magistrate not to insist on that point, because it was the Local Government who was the proper authority to decide whether it was a case of moral turpitude or not. Moreover, Sir, there was a selective fine imposed on some of the accused in this case, subsequently. There was a certain thatched hut burnt involving a loss of about Rs. 600 to Rs. 700 as damage and the persons connected, beginning from those accused in that case to outsiders, were put up in a list that was made out and selective fines were imposed on them to raise Rs. 2,000 as fines. I have got the record of the orders of the Magistrate. The Magistrate writes: "You are directed to pay a certain sum as fine for having done something against the Defence of India Rules". It appears that this has nothing to do with collective fine. Similar things have been happening daily in different parts. I submit, Sir, most respectfully that the powers under this Ordinance are abused.

In another case, in the case of Santosh Kumar Bhattacharjee, tried by the Additional Chief Presidency Magistrate of Calcutta, reference was

made to the Chief Justice and the Chief Justice unfortunately held that the High Court had no jurisdiction although the Court sympathised with the merits of the case. In the case of Satish Chandra Chakrabarty who had committed no offence—and it is clear from the wording of the Ordinance that the Ordinance can only apply in cases where an offence is committed—he is being tried by a Special Magistrate for hoisting the National Flag in his own house.

I submit that the Chief Minister must come forward with a full explanation and see that these things are prevented and adequate compensations are paid to those persons who are the unfortunate victims of local officers' zeal.

Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir, I feel very strongly on this subject which has been so ably put by my esteemed friend Mr. Shaheed Suhrawardy. A catastrophe has fallen on this province on account of the tame submission of the Provincial Government to declare that an emergency exists in this province for the application of Ordinance II of 1942. I cannot say for the whole of Bengal but I know that in my district there are as many as 20 or 25 ordinary cases, which could have been tried in ordinary courts, but which on account of the proximity of Burma are being tried by special courts.

Now, Sir, this Ordinance provides for Special Magistrates and summary courts. You, Mr. Speaker, know as legal practitioner that in the ordinary Criminal Procedure Code summary power is given to a Magistrate who has got some experience and who would be able to do justice to the parties But under this Ordinance we find that special courts are set up and Sub-Deputy Magistrates are appointed as Special Magistrates although they do not conform to the provisions of the Criminal Procedure Code Moreover there is provision for adjournment in the Criminal Procedure Code but under this Ordinance an exception has been made.

Now, Sir, I have got at present a case in my hand of ordinary party faction between two parties under section 147 which ended in conviction There the Sub-Inspector of Police goes to the place of occurrence, does not consult the local people but finishes his investigation in the house of the complainant who is the leader of another party, and sends in a charge sheet against the other party. I had to appear on behalf of the accused. The Magistrate asked me to produce the list of defence witnesses before the examination of the prosecution witnesses began. I refused to do that and he insisted on my junior to produce the list of defence witnesses, otherwise he said he would not allow any defence witness to be produced. At the last moment a list was given which was prepared haphazardly but as that was not sufficient for the interest of defence I wanted more witnesses to be examined but the Magistrate said that no adjournment was possible I refused to appear in the case but as the client was poor I accepted the suggestion of the Magistrate that two more witnesses would be allowed. Only one witness was examined and I hear that sentences have been passed on 22 persons and many persons were awarded punishments which were not appealable.

Sir, there is another case. There was scarcity of betelnuts and there was a quarrel in a *hat* between the parties. The police sent up about 20 or 25 persons who were all big businessmen having Rs. 50 or Rs. 60 thousand in their trade. They were sent up on the charge of *hat* looting. First of all the case was sent to the ordinary Magistrate but later on, on the motion of the police for reasons not known to the accused, the Additional Magistrate withdrew the case from the ordinary file and transferred it to a Special Magistrate appointed under the Ordinance. A bail petition was moved before the District Judge. The District and Sessions Judge was inclined to grant bail but for the provisions of the Ordinance, the Court Inspector appeared and his only argument was that the case was under a special Ordinance and he found himself helpless. The case was adjourned and then he came and put up a scrap of paper saying that somebody was seen clapping at the time of looting. Of the persons who were sent up only one was caught after a small petty fancy shop was looted; all the other had left the place at the time But all the big men were sent up and the case was tried by a Special Magistrate and the sentence which was passed was monstrous.

Sir, this is all due to the application of the Ordinance. In our district I find that the ordinary courts are sitting idle. Almost all the cases are being tried by Special Magistrates. I say, Sir, that no such emergency exists in our place and the cases should be tried by ordinary Magistrates. This is the greatest scandal that is going on in the name of justice and I support the motion of my esteemed friend Mr. Shaheed Suhrawardy with all the emphasis I can command.

Maulvi Kazi ABUL MASUD: Mr. Speaker, Sir, Mr. Suhrawardy, the Deputy Leader of our party, has placed all the facts; so I leave the introduction and just come straight to the case.

Now, Sir, so far as Chachkour *hat* looting case is concerned I have got some personal knowledge and I have got some facts in my possession which I like to place before the House. Sir, the House is aware of the fact that the framers of the Ordinance did not intend that Ordinance II of 1942 would be applied indiscriminately by the executive officer It would only apply to the areas where sabotage movement has been started and it would only apply where there has been hindrance to the successful prosecution of the war efforts, but so far as my subdivision is concerned I can say that there is not a solitary instance of sabotage movement and neither the Hindus nor the Muslims took any part in any form in the sabotage movement. So, Sir, there was no case to apply Ordinance II of 1942 in my subdivision.

As regards the Chachkour *hat* looting case the alleged *hat* looting occurred some time in September last. Now, when the occurrence took place neither the then District Officer of Rajshahi nor the Subdivisional Officer of Natore deemed it proper to go to the spot and have an enquiry into the matter to ascertain the facts That simply shows that this is not a genuine case under Ordinance No. II.

Now, Sir, the persons were arrested in instalments and as many as 97 persons were arrested and sent to *hajat*. After they were detained for a

couple of months they were released on bail. The recommendation to bring the case under the rules of Ordinance No. II was made about three months after. This decision was made when there was a meeting at Chachkoir, and the people of the locality placed their grievances against the Sub-Inspector of Police. After the meeting which was presided over by Mr. Suhrawardy it was decided by the executive that the case came under Ordinance No. II, *i.e.*, three months after the occurrence. A case under section 379/147 was started, although there was not a single word of violence upon which the whole structure of the case stood. Even in the carefully drawn up first information report submitted to the Police Officers there was no mention of a single word of violence. Sir, we fail to understand how this case can come under section 147, I.P.C., rioting. If there is no case of organised mob violence under section 147, I.P.C., I do not understand, Sir, how a case of theft can stand. So far as damage is concerned, there was no considerable damage. Only a few shops were looted and some clothes were snatched away. The looting was rather done by licensed robbers, I mean the police. This *modus operandi* was just to put these persons under arrest and extort money. The poor people had to sell everything they possessed; they had to sell even their utensils to satisfy the Sub-Inspector of Police. Now, Sir, when the case came up before the Special Magistrate, the Special Magistrate became so overzealous that he asked the Court Sub-Inspector whether he had any objection to bail being granted. The Court Sub-Inspector at first could not grasp the significance of the Magistrate's question. Then the Magistrate categorically put the question to the Court Sub-Inspector whether he had any objection: the Court Sub-Inspector then put in an objection that bail might be refused on certain grounds. Then, Sir, a petition was filed before the Special Magistrate taking objection that this case could not come under Ordinance II of 1942. That petition was rejected. Then there was a petition under 526, Cr. P. C., because of the fact that the Magistrate was biased and prejudiced from before. That petition also was rejected. There was another petition to allow the accused persons to have copies of his order, but, Sir, the accused could not get any copies to defend their case, and the whole case was finished within 4 or 5 days. The accused persons could not have sufficient opportunity to engage eminent lawyers and all rights and privileges were denied to them. They could not defend their case properly.

Now, Sir, another feature of this case is that these accused persons, as has been pointed out already, have been awarded sentences and they have to undergo rigorous imprisonment for two years. If they had been convicted and sentenced for more than two years, they would have been able to prefer an appeal to the High Court, but all rights and privileges were denied to them. They did not get the privilege of producing sufficient number of defence witnesses. (MR. H. S. SUHRAWARDY: The trial was finished in one day!) No, in 3 or 4 days. They did not get the privilege to cross-examine witnesses sufficiently and moreover, Sir, they were not allowed to prefer an appeal to the Hon'ble High Court because of the sentences that were imposed on them. These innocent persons had nothing to do with any political movement. As the House is aware, just after the

Civil Disobedience Movement was started in August last Mr. Jinnah had forbidden Mussalmans not to take part in the movement and after that the Mussalmans of India never took any part in this movement, because they never believed that by terrorist movement they would be able to achieve their mission.

Sir, I do not understand why these innocent Muslims were arrested and tried under Ordinance II of 1942. We respectfully submit that an enquiry should be made immediately to ascertain the facts as regards the allegation against the Sub-Inspector. We also hope that adequate compensation will be given to these innocent Muslims who have been convicted.

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, I hate rule by Ordinance: every decent man must do that. It is not for nothing that an Ordinance has been called a lawless law. An Ordinance is a lawless law because it is inflicted on the people without the sanction of the people's representatives behind it. The Ordinance under discussion is particularly obnoxious because it robs people of a very valuable right, namely, the right to trial at a properly constituted court—a very valuable right which man has gained in course of political evolution. We have already seen in this province how people have been robbed of their freedom, have been clapped behind the prison bar without trial as security prisoners. Here we are discussing a matter not very different from that. In the case of the security prisoners they are deprived of the right to trial altogether. Here people are deprived of the right to trial in a properly constituted court of law, a trial which gives them the right of appeal and jury trial among other privileges. So I consider this Ordinance to be obnoxious indeed.

Now it may be said that extraordinary circumstances call for extraordinary measures. It may be suggested that the circumstances in the province today are extraordinary, and that therefore the ordinary course of trial may be abrogated to meet this extraordinary situation. I believe not. In spite of all that is said about the war menace, the Japanese menace and all that, the situation in Bengal is not so serious, is not so extraordinary that it calls for an extraordinary measure like the one that is under discussion. The normal machinery of trial, the normal machinery of law has not been paralysed in the province: it is functioning all right. The normal life is going on in every respect: the province is not aflame with revolution: the province is not going to be lost to the enemy. Therefore I feel that the circumstances in the province are not such as call for extraordinary measure like the one we are discussing here today.

Now, Sir, my honourable friend Dr. Nalinaksha Sanyal has mentioned one case, namely, that of Srijut Satish Chandra Chakravarty of Tamluk. His offence, alleged offence, was this that he hoisted the National Flag on a particular day in his own house. By no stretch of imagination can a man be said to be guilty in any way if he hoists a flag which he regards sacred, a symbol of nationalism which he adores, a symbol of freedom. No man has the right to punish him, least of all punish him without trial in a properly constituted court of law that normally functions.

Sir, this instance shows that in this case even the ordinary political right has been trampled upon. Satish Babu did commit no offence: even if he did, he could be tried in an ordinary court of law. If you say that there is grave war menace in the province, you can apply this lawless law to cases of sabotage; you can apply this lawless law to fifth columnist activities; you can apply this law to a man who wages war against the Emperor; but for Heaven's sake do not apply it to ordinary cases; do not rob the people of the right to carry on their ordinary political activities in the peaceful way.

Sir, the man who is at the head of the administration of Bengal today is not merely a distinguished public man with a nationalist outlook with broad political sympathies but also is an able criminal lawyer. In his heart he must feel aggrieved when he sees that law is prostituted for ulterior political ends. He must feel sorry if a man is robbed of the valuable right which he has enjoyed for centuries, viz., the right to carry on normal political activities, and the right to trial in an ordinary court of law if he transgresses law. I do not know what his difficulties are. If the powers that be compel him to inflict this Ordinance on the people in a way which he does not himself desire, if the powers that be compel him to do things that he as an honest public man detests, I appeal to him to take courage in both hands and see that this Ordinance is not enforced in this province to rob people of their ordinary political rights. (MR P BANERJI: Do you support this motion?) I will wait for the reply of the Hon'ble Chief Minister. I am not prepared to condemn a man unheard. That would not be fair. I would like him to satisfy me and the House that he will do his best to see that this law is not misused. I wait for his reply.

Mr. JOGESH CHANDRA GUPTA: Mr Speaker, Sir, I understand the mover of the motion today very forcibly brought out that the Ordinance really contemplated actions which have got to be dealt with on higher necessity of State for the purpose of the defence of this country, but in actual practice what do we find? We find, Sir, that the provisions of the Ordinance are being availed of by unscrupulous parties to exploit this for the purpose of wreaking their personal vengeance.

We also find that this exploitation is carried out sometimes by practising deception upon the courts which, as I shall presently show, is discovered by those Magistrates at a later period. We also find that there being no power in the High Court or any other superior criminal courts for sitting on appeal or on revision upon orders once passed, cases undoubtedly have happened where the well-accepted legal maxim that there can be wrong without a remedy is negatived.

Sir, within the short time at my disposal, I will refer to a glaring instance of unscrupulous persons availing the provisions of this Ordinance. Sir, three cases were started in which invariably three persons figured as prosecution witnesses. One was Nagendra Nath Das, a washerman and daffadar and the accused were the office-bearers of the union of which Nagendra Nath Das was daffadar. An investigation was being carried on against the conduct of the daffadar and a meeting of the union board was to have taken place

over that matter. This daffadar, apart from delinquencies of his duties as daffadar, was also brought up before a panchayet because he had a scandalous intrigue with a widow and some of the persons who figured as accused persons in these three cases were unfortunately the panchayets who investigated into that charge. What happened was this The first case Emperor *versus* Pratulla Kumar Bhowmik was tried under the special Ordinance. The accused had no idea about the charges when he went to Court. There they were told that the accused was being tried under the special Ordinance and they would not get any further adjournment. If they had got any witnesses to examine, they were expected to examine the witnesses. They asked for an adjournment, but no adjournment was granted and they were convicted to one year's rigorous imprisonment. As I have already told you, Sir, he cannot go on appeal nor can he go up before the High Court for revision because the provisions of the Ordinance stand in the way and there has been a decision of the Division Bench on that point Now, that daffadar and another witness figure as witnesses in two subsequent cases. There the Special Magistrate found out after cross-examination what was the nature of the evidence in those two cases and the Special Magistrate had to acquit. He asked the Court Inspector "Are these the only two persons who are witnesses? Have you got no other independent witnesses available?" The Court Inspector said that there were no other witnesses except those two persons Of course, in those two cases cross-examination was held, these two witnesses were cross-examined and all these things were brought before the court. Then the Special Magistrate, of course, acquitted but not before a Counsel had gone from Calcutta to defend these persons and cross-examine and bring out the unscrupulous nature of the witnesses and the real motive behind those people's figuring as prosecution witnesses Sir, the question now arises on the evidence of those two persons, another office-bearer of the union board has been convicted and is now suffering rigorous imprisonment. The High Court cannot revise it The only chance for a revision of that order or for remission is if the Local Government exercise their powers under section 401 of the Criminal Procedure Code. I emphasize this particular case and beg to draw the attention of the Home Minister. I do not know whether he will promptly look into this most regrettable case and I want the Home Minister to give a categorical reply

Sir, the report is current that Special Magistrates have no discretion in the matter of assuming jurisdiction as a Special Magistrate or to try under the ordinary Criminal Procedure Code because the rumour has it and I want the Home Minister particularly to let us know whether instructions have been given to Special Magistrates that if the Deputy Inspector-General, Intelligence Branch, or any of the subordinates with the authority of the Deputy Inspector-General, Intelligence Branch, requires a Special Magistrate to try a case under the special Ordinance II of 1942, he has got to try it as such. This is something which is making the lot of the Special Magistrates themselves very miserable They find that a case is triable under the ordinary Code of Criminal Procedure and need not be tried by a Special Magistrate, but they feel helpless.

Now my friend Dr. Sanyal referred to the flag hoisting cases, but for want of time he could not give this House details of the facts. The flag hoisting was made according to the police report in private houses and not in public places. The two persons, one Babu Satis Chandra Chakravarty, a very respectable old gentleman who was keeping very bad health, and another gentleman named Jnanendranath Maiti, hoisted or are alleged to have hoisted flags. Whether they themselves did it or not or any other members of the House did it, that also was not clear—one between 10-20 and 10-30 and another between 10-40 and 12 at their own houses. They were arrested, kept in the *hajat* at night and produced before the Magistrate who said that he was going to take cognisance as a Special Magistrate. Bail was refused and then a counsel had to go from Calcutta who pointed out that these were two distinct offences and could not be tried in the same proceedings and that there was absolutely no offence. The Magistrate said, "I cannot go into the matter. We are not competent to deal with it. If you like I will give you an adjournment, so that you can get the case transferred or get a statement of law from the High Court, because an unusual difficulty has arisen". The Magistrate felt very uncomfortable, but there was the prosecution instructed by the local police that these people are not to be given any bail and they have got to be punished.

Sir, under these circumstances the trial is being proceeded with by the Special Magistrate and Mr. Speaker, you know very well that an accused is presumed to be innocent under the British Criminal Jurisprudence, but in these trials they are not allowed bail unless they can establish their innocence and when a Special Magistrate is trying a case, he is not bound to give any adjournment for the purpose of obtaining legal help or for the purpose of securing evidence.

I want the Hon'ble Minister to tell us definitely whether he approves such curtailment of the liberties of the people of this province, when there is no question of any high necessity of State, when there is no question of emergency, or when the defence of this province is not being endangered. If the Home Minister agrees with me that these facts show that the provisions of the Ordinance are being misapplied, the provisions of the Ordinance are being abused by unscrupulous and overzealous officers, we should like to know whether it is not high time for the Provincial Government to withdraw the application of the provisions of this Ordinance in the light of the facts disclosed here.

Sir, this is all that I want to say.

Mr. K. SHAHABUDDIN: Sir, may I move that the question be now put?

Mr. SPEAKER: There are many other speakers willing to speak. Sir Nazimuddin will speak. The Hon'ble the Chief Minister will reply.

Mr. K. SHAHABUDDIN: Sir, what I suggest is this that the debate may be continued in such a way that there may be enough time, if necessary, to press the motion to a division.

Mr. SPEAKER: You may move the closure motion at a later stage.

Mr. ATUL CHANDRA KUMAR: Sir, I support neither the motion nor the Ordinance. I know that the Ordinance is extremely drastic and tends to substitute the reign of the ordinary law of the land by the reign of the executive. Sir, the Ordinance has been promulgated by the Governor-General and not by the Provincial Government (laughter). Sir, the grievances of the Opposition are that the Ordinance is misapplied and the Special Magistrates have not acted according to the provisions of the Ordinance: they have acted with vengeance. This can be remedied. We can very well appeal to the Chief Minister that there should be no abuse of the provisions of this Ordinance and that the Special Magistrates should not act with vengeance. I am at one with Mr. Gupta and other speakers that the provisions are misapplied and we appeal to the Chief Minister who is also the Home Minister of the province that he should also see that the provisions of this Ordinance are not misapplied, that officers with judicial mentality should be appointed as Special Magistrates and they should get instructions from the Home Department if there be any misappliance of the provisions of the Ordinance. I do not want to discuss the matter in detail. Certainly there are reasons for grievances and there are reasons for bringing the adjournment motion. Had not the adjournment motion been a censure motion on this Government certainly we would also have gone with the Opposition to the same lobby. We also feel as they do feel.

Maulvi ABUL HASHIM: On a point of order, Sir. A statement has been made by my honourable friend that had this motion not been a censure motion against the Government, he would have gone to the same lobby with the Opposition. My point of order is whether my friend wants to indicate that this Assembly is discussing this motion not on its own merits, but something on party lines. If that be the idea, then I think that it would certainly be a reflection and slur on this House.

Mr. SPEAKER: I am afraid that is no point of order.

Mr. ATUL CHANDRA KUMAR: Sir, in this connection I would like to quote a passage delivered by Sir Sultan Ahmed in the Council of State. It runs thus: "The power to issue Ordinance is vested in the Governor-General under section 72, Schedule 9, of the Government of India Act, 1935. He is the sole authority in cases of emergency to make and promulgate such Ordinances and no authority can question his power to do so, and Ordinances so made have the like force of law as an Act passed by the Indian Legislature. That being the position, if the Governor-General has promulgated an Ordinance the scope or any provision of which does not appeal to anyone else, neither the Governor-General in Council nor the Legislature have any jurisdiction to question his authority".

Sir, we all know and my honourable friend also knows that under the Government of India Act, the Provincial Governments are helpless in this matter of Ordinance. They can only see, as has been rightly put forward by Dr. Sanyal, that the provisions of the Ordinance are not misapplied, and the Special Magistrates do not act in vengeance. Sir, we all agree on this point and I appeal to the Hon'ble the Chief Minister to look into the

matter. If the Chief Minister who is also the Home Minister keeps an watchful eye on this matter and see that instructions are issued periodically to the Special Magistrates, I think the grievances of the Opposition can be remedied

Sir, I presume that the desire of the Opposition is to see that these grievances are removed and not to censure Government. If that is the desire, then we are all with the Opposition. Though we are supporting this Government, we are not here to support bad measures of this Government We are not here to see the Chief Minister or the Home Minister doing such things which may be detrimental to the interests of the country. But there may be abuse of powers, there may be cause for grievances and I think these grievances can be removed. We, the members of the Coalition Party, will appeal to the Home Minister on the floor of the House that he should look into the matter and see that these grievances are remedied. (A VOICE: Ask him to resign.) If necessary, certainly the Ministers will not hesitate to resign.

So far as the grievances of the Opposition are concerned, I hope, and I think the Opposition also agrees with me, that these can be removed within a week if the Opposition co-operates with the Ministers If this is done, if the Opposition co-operates with the Government in this matter, certainly within a very short space of time these grievances would be a thing of the past.

We hope the Hon'ble Chief Minister will feel the pulse of the House and if he finds that all sections of the House including the Opposition and the Coalition Party do not agree that the Special Magistrates should be vested with powers which may be abused in this fashion and if the House is in entire agreement with regard to the remedies of these grievances, I hope he will look to the matter.

Mr. M. A. H. ISPAHANI: Sir, the question be now put

Mr. SPEAKER: Sir Nazimuddin, how long do you propose to take on this matter?

Khwaja Sir NAZIMUDDIN: Only ten minutes, Sir.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, the question which has been brought before the House by the adjournment motion is one of supreme importance with regard to the civil liberties of the people of this province, and I would beg the House to consider this matter irrespective of party politics. I do not desire to make a long speech but I would just point out that in respect of the administration of this Ordinance the Provincial Government has a great responsibility. Sir, the previous speaker pointed out that the Provincial Government was acting under the orders of the Government of India. I differ from that interpretation So far as the Ordinance itself is concerned, it has no doubt been promulgated by the Governor-General, but if you look at the sections which confer jurisdiction on the Special Judges and Magistrates, it will be apparent that the class of cases to be tried under this Ordinance is to be determined either by the Provincial Government or by some officer who may be empowered by the

Provincial Government in this behalf. In fact the Ordinance itself comes into operation only if the Provincial Government is satisfied that an emergency exists. Now, Sir, our grievance is that powers have been exercised by certain officers to whom powers had been delegated by the Provincial Government in a manner which is inconsistent with the spirit and provision of this Ordinance. This Ordinance covered only cases of emergency, but from the cases which have been placed before the House and from other cases it is clear that the provisions are being applied to ordinary cases and persons are being shut out from the privileges to which they are entitled under the ordinary provisions of the law. I would appeal to the Chief Minister to announce the Government policy in this connection. There is no reason why the Ordinance should any longer apply in Bengal. In the first place there should be an assurance given to all sections of the House that Government will reconsider the present policy, will examine the cases which have already been dealt with under the Ordinance; in the second place, there must be clear assurance that with regard to the future application of this Ordinance the drastic transfer of powers which has been sanctioned by this Provincial Government to the local officers under sections 5 and 10 will be withdrawn, so that the policy may be enunciated by the Provincial Government itself which will remain responsible for its proper and satisfactory administration.

Khwaja Sir NAZIMUDDIN: Sir, I consider it a great pity that some of the members who came late were not able to listen to the speech of Mr. Suhrawardy. In that speech Mr. Suhrawardy placed the case so clearly and ably that it is not necessary for me to dwell at any great length to explain to the House the reason why this motion has been moved. I shall confine myself only to two points: I would like to make it absolutely clear that Government have the right to use extraordinary powers to deal with any serious situation in an emergency. But when these powers are conferred upon Government, when these extraordinary rights are given, it is incumbent on the Government and the officers concerned that these powers should not be abused and its application should be very carefully examined before it is allowed to be applied. It is a fundamental question: Government cannot have the right to have extraordinary powers in their hands if they allow these to be abused. The Legislature, the country and the public place these powers in the hands of the Government on the definite understanding that these will be used only when it is absolutely necessary.

Sir, as far as Ordinance II is concerned, it is clear that it has been abused very badly and the cases that have been placed before the House today by Mr. Suhrawardy, Dr. Sanyal, Mr. J. C. Gupta and Khan Bahadur Maulvi Jalaluddin Ahmad are such that every one in this House has been convinced that there has been a gross abuse of justice. It is a tragedy that for the last nine months or so this oppression has been going on. In many cases the aggrieved persons have made representations and appeals have been made to the Government, and yet we find the Chief Minister stating that he does not know anything about it. How could these grievances be redressed if the public have to wait till the Legislature meets and the Minister is

threatened with censure motion? Does the Hon'ble Chief Minister mean to say that then and then only can these grievances be redressed? We find that on the plea of war the Legislature is summoned at long intervals; thus no opportunity is given to the members of the House to have these grievances redressed in time. I do not understand what the Ministers have been doing all these six months, nor do I understand why the Chief Minister did not look into the matter when complaints were brought before him.

Sir, if the honourable members have any feeling for civic rights, for justice, they should record their votes in support of the motion unless the Chief Minister accepts the demand which has been put forward by Dr. Sanyal, by Dr. Syamaprasad Mookerjee and which I also endorse, namely, that immediately a high judicial officer should be appointed to examine these cases and where there has been a clear abuse of the application of the Ordinance, in all those cases clemency should be exercised and the people convicted should be released. It should be declared in the House and an understanding should be given by the Chief Minister that in all cases in which the Ordinance has been misapplied, the persons convicted and sent to jail will be released and if there has been any case of gross abuse of justice compensation should be paid in such a case. In other cases where heavy sentences of imprisonment have been passed, irrespective of the question of misapplication, those sentences should be reduced also. Sir, the members of this House must be satisfied that there has been no abuse of the Ordinance. I want to make it clear, and I want to draw specially the attention of the European group, that we are not against the Ordinance as such: if there is a state of emergency Ordinance should be applied by Government, but it must be clear that it is neither for vindictive reason nor for personal reason that the Ordinance is being used.

I think, Sir, it is now clear that the Chief Minister should accept the suggestion that has been put forward in this House.

As far as the future is concerned we want a clear undertaking from the Hon'ble Chief Minister that the application of the Ordinance will not be abused and I support the suggestion of Dr. Syamaprasad Mookerjee that this power should not remain in the hands of the local officers but in each case where they want to appoint a Special Magistrate it should be referred to the Government and the Home Minister should examine the case before allowing it. After all there are not many cases in which it is used; it ought to be quite easy as it appears to if after 3 months a Special Magistrate is appointed, there is ample time for the District Magistrate to refer the matter to the Home Minister. In each case it should be referred to Government and should be looked into personally by the Home Minister or any other Minister whom he likes to depute, and only with the approval of the Minister Special Magistrates should be appointed.

Mr. A. F. STARK: May I have just one minute to make the attitude of our party clear? We agree that Government should declare their policy with regard to the application of this Ordinance. It is not enough, in our opinion, to delegate the power to District Magistrates and leave them without

directions with regard to the setting up of Special Magistrates and the cases which should be put before Special Magistrates. But, Sir, where we do not quite agree is that Government not having given any direction—I stand open to correction whether Government have given any declaration of their policy to the District Magistrates or definite directions with regard to cases to be referred to the Special Magistrates—you should turn round upon your District Magistrates afterwards and say, "what have you been doing?" If you do not give them any directions, if you do not give them any guide, it is not fair to turn round afterwards upon them.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, I would not have taken the somewhat unusual step of intervening in this debate——

Mr. Khwaja SHAHABUDDIN: Question be now put.

Mr. SPEAKER: It appears that the House is practically unanimous with regard to a certain matter, namely, that there should be clear enunciation of policy by the Government and that instructions should issue to District Magistrates according to that policy and the House demands an assurance from the Hon'ble the Home Minister who is also the Chief Minister. Therefore, I felt that if that assurance be not satisfactory to the House, it would be better if I give the House an opportunity of expressing its verdict on that issue. In that view I think the Hon'ble the Chief Minister should speak now.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the last occasion when this motion came before the House my esteemed friend Mr. Khwaja Shahabuddin made the remark that what I was saying about the notice of the adjournment motion was not true; or in other words I was telling an untruth. Sir, today Mr. Suhrawardy has returned to that point and in his own inimitable style has given me the compliments of being prevaricating, untruthful and a great destroyer of the privileges of the House by taking shelter under vague generalities. I will not waste the time of the House in order to destroy the equanimity that now prevails by any improper language. As regards Mr. Suhrawardy's remarks I can treat them with the contempt which they deserve. I leave the matter at that.

Now, Sir, as regards the Ordinance, there cannot be the slightest doubt that all sections of the House have got complaints that whatever may have been the reasons which led to the promulgation of the Ordinance or of its application to Bengal, there have been instances in which the Ordinance has been misapplied and misapplied in such a manner as to cause hardship to the people and by reason of the special provisions of the Ordinance it has deprived them of the legal rights which the people possess under the ordinary law. Now, there cannot be the slightest doubt that Ordinances like this do curtail the liberties of the people. In the first place, if a case is tried under the Ordinance the right of a trial by a jury is taken away. Summary powers are granted to magistrates and judges. As we all know the trial by a jury means a valued right which the people have got—a right to insist upon unless there are circumstances which justify depriving people of these rights.

Now, Sir, it is true that an emergency existed in the province and that we were very near the theatre of the war when the Ordinance was promulgated, but as has been held by the Judicial Committee of the Privy Council as also by Courts in England generally that even though martial law is in operation civil tribunals should be allowed to function even in the areas where martial law is promulgated. From that point of view the principle of law at once follows that the Ordinance being a promulgation by the executive authority in curtailment of popular rights the application of the Ordinance should be restrained as much as possible. The question then arises whether in the circumstances prevailing in the country there was justification for the promulgation of the Ordinance and its application to the province as also the various orders that have been passed by the Local Government regarding the manner in which the Ordinance is to be brought into operation.

Now, as regards the first point, the Ordinance itself says that "it shall come into force in any Province only if the Provincial Government, being satisfied of the existence of an emergency arising from a hostile attack on India or on a country neighbouring on India" and so on and so forth. Now, Sir, you will remember that the Ordinance was applied to Bengal in May and June, 1942. The difference in dates is due to the fact that the Ordinance was promulgated in the denial areas first and then extended to the rest of Bengal. We all know the condition of affairs at that time, how the neighbouring countries had fallen under enemy occupation and how very badly we were threatened all round. Therefore, Sir, the question that the Ordinance had to be promulgated is, I think, now beyond dispute, namely, there was an emergency and the necessity was so great that the Provincial Government felt justified that the Ordinance should be applied to Bengal.

Now, Sir, I admit that having applied the Ordinance to the province the responsibility of the Government to see that the Ordinance is properly applied could never have been taken away. On the contrary, having regard to the stringent provisions of the Ordinance, it was all the more the duty of the Local Government to see that provision is made which would reduce the chances of misapplication to the utmost minimum. At the present moment the House has got the right to question Government whether those precautions have been taken or not.

Now, Sir, what we have done is briefly this: that instructions with regard to the use or application of the Ordinance were forwarded to all District Magistrates and the Chief Presidency Magistrate, and it was then emphasized that the Ordinance was intended to be used only when under specially disturbed conditions speedy administration of justice was of paramount importance, and that even then it was intended that the ordinary courts would continue to function excepting so far as the Provincial Government might direct that certain offences should be tried by Special Courts. Sir, what we did was to send an exhaustive schedule of cases in which and *only* in which the Special Magistrates should take up the trial of cases under the Ordinance. No doubt, Sir, the District Magistrates and the Chief Presidency Magistrate in Calcutta were given the discretion to decide which cases would come up before the Special Magistrates.

Now, Sir Nazimuddin has made the point that it would be much safer if instead of giving such general directions to the District Magistrates, it be made a rule that the trial of cases by Special Magistrates would only be permissible if the Local Government had held that view, or in other words no case would be made over to the Special Magistrates for trial except with the previous approval of the Local Government. Sir, it is a very important point and as it seems to me to be a very reasonable suggestion, I promise, Sir, I will take up this matter with the law officers of the Crown as far as possible. I cannot commit myself immediately on the spot, but I certainly feel that this is a suggestion which should be accepted, but at the same time I would like to say this much that I shall see that this point is properly considered and unless there are any objections to the contrary, this is the rule that we shall follow. After all, these cases are not of numerous occurrence. As Sir Nazimuddin himself has pointed out such cases are few and far between, and it will not be an extra burden on the Provincial Government to decide whether a particular case should be transferred to the Special Magistrate or not.

Khan Bahadur MOHAMMED ALI: What about righting the wrong?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am coming to that.

I will now give replies to the point which has been raised by Dr. Sanyal so specifically and by other speakers. Now, Sir, it would take a good deal of time of the House if I were to explain the various matters in which we thought that the chances of misapplication had been reduced. I hope the House will agree with me that in any of these cases it cannot be said that the officers acted in a manner which would or could impute to them anything like unscrupulous disobedience of the provisions of law. The officers should be taken to be acting from the best of intentions——

Dr. NALINAKSHA SANYAL: On the other hand, charges have been made that Government have secretly circularised instructions to take up any matter and refer it to a Special Magistrate where the Deputy Inspector-General, Intelligence Branch, so requires. I have got a document to prove that.

The Hon'ble Mr. A. K. FAZLUL HUQ: All I can say is that so far as I am aware, so far as I have been informed the Deputy Inspector-General, Intelligence Branch, does not come into the picture at all. I am speaking from my knowledge. I do not know whether I have been ill-informed.

Dr. NALINAKSHA SANYAL: Sir, in this document the Deputy Inspector-General, Intelligence Branch, Calcutta, desires that the case be tried at Sadar by a competent Magistrate. The Police applied to the Magistrate on the ground that the Deputy Inspector-General, Intelligence Branch, wanted this transfer.

The Hon'ble Mr. A. K. FAZLUL HUQ: Under the Ordinance?

Dr. NALINAKSHA SANYAL: That is not mentioned in the application. That is mentioned verbally.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as this document is concerned, this does not show that the Deputy Inspector-General, Intelligence Branch, wanted the case to be tried under the Ordinance.

Now, Sir, it is true that the Murshidabad case was transferred from Lalbagh to Murshidabad Sadar. The reason is that the Subdivisional Officer, Lalbagh, and the Second Officer were both witnesses in the case.

Dr. NALINAKSHA SANYAL: That was the trick played.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, that is the information. They were the witnesses in the case. There was no competent Magistrate at Lalbagh and that is why the case had to be transferred to Sadar.

Mr. SYED BADRUDDUJA: May I point out in this connection that the District Magistrate specially transferred this case to the Subdivisional Officer, Sadar, because the Subdivisional Officer, Sadar, had already established a reputation for fairplay and justice by having fined Mr. Pollard Rs. 200 before that case was taken to the High Court.

Dr. NALINAKSHA SANYAL: We do not dispute the reference of the case to the Subdivisional Officer, Sadar; what we dispute is directing him to act as a Special Magistrate.

Mr. SPEAKER: I think you are wasting away the valuable time of the House. You are not allowing him to give assurances that are expected.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as far as my memory goes, there is a leading case reported in the Indian Law Report where it is laid down that a Magistrate who is cited as a witness or is likely to be cited as a witness should not try the case.

I will then come to the assurances that have been asked for. Each case that is mentioned and each case that will be mentioned later on will be considered and we shall go very fully into the details. We shall investigate whether the law has been really misapplied or not and in any case in which we find that persons have been convicted and there is a prayer under section 401 to the Local Government to intervene, we shall consider each case on its merits and if we find that the conviction has been wrong, we will set aside the conviction and set the men at liberty. May I point out to the House that the very first case under the Ordinance was one in which two men were sentenced to death by the Special Judge. The case came up in consequence of an application under section 401 before my honourable colleague the Judicial Minister and on going through the record he advised His Excellency that clemency should be shown under section 401 and the sentence of death should be commuted to one of transportation for life.

(At this stage the red light was lit.)

Mr. SPEAKER: Two hours' time is over and the debate terminates.

Mr. SYED BADRUDDUJA: Mr. Speaker, Sir, will you extend the time by two minutes more?

Mr. SPEAKER: I cannot do it under the rules.

I have already given my ruling on the expression "shame", but before I adjourn the House I should like to state something more. I have always been conscious of my own shortcomings and also of my weak memory. On the spur of the moment I thought that the word "shame" was unparliamentary and I gave my ruling accordingly. But then, relying on the superior knowledge of some of my friends here I thought my ruling was wrong and consequently I modified it to a certain extent that when it applied to a member it was unparliamentary and that so far as the other part was concerned I would give my final ruling later on. I have since looked up the matter and it appears to me that according to the parliamentary practice in England the word "shame" is unparliamentary unconditionally without any restriction whatsoever. As far back as 1887 it was held by the Speaker as follows: "I must call the attention of the honourable gentleman to the fact that he has just uttered a word which is not parliamentary. He used the word 'shame'. It is a word which is of recent use and one which is becoming frequent. It is an expression which ought to be rigorously put down. With the authority and sanction of the House I shall propose for the future to take notice of it." That was in 1887. After that it has been reaffirmed, if I may use that expression, from time to time. In 1893, it was held by the Speaker: "Honourable members will not, I hope, use such an expression as 'shame'" Again it was held by the Speaker in the same year 1893: "After what has passed there is very little for me to say. The word 'shame' is an expression which I have always endeavoured with the sanction of the House to restrain, but after what has passed and the right honourable gentleman has so frankly acknowledged the unparliamentary character of the expression I do not think there is anything more to say." Therefore my ruling is that the word 'shame' is unparliamentary and should not be used in this House in future.

Mr. ABDUR RAHMAN SIDDIQI: But, Sir, this is 1943, and will you permit an expression of opinion by honourable members of this House on this question at our next meeting?

Mr. SPEAKER: I have given my ruling but I am again subject to correction, and I say that I am prepared to discuss this matter with the party leaders as well as any other honourable member who is prepared to give me assistance in this matter in my chamber.

The House was then adjourned at 12-15 p.m. till 3-45 p.m.

AFTERNOON SESSION.

Withdrawal of remarks against Mr. H. S. Suhrawardy made by the Hon'ble Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, before you begin the business of the day, may I refer for a moment to a portion of my speech on the adjournment motion debate this morning? Sir, in the course of that debate I said something about Mr. Suhrawardy's good taste, good manners and all that. I feel that I should not have made personal remarks and I beg to withdraw what I said. This may be expunged from the proceedings.

Mr. SPEAKER: I am grateful to the Leader of the House for withdrawing the remarks on his own initiative and I hope the members will follow his example if on the spur of the moment they make any objectionable remarks.

Dr. NALINAKSHA SANYAL: On a previous occasion when this point was raised I submitted that all such matters should be properly examined by the Privilege Committee or any other committee of the House. It is not fair that only one generous member who offers to withdraw will see his remarks withdrawn and the other remarks will remain. It is only fair that if one portion of such observation is allowed to be withdrawn you should see that all such compliments go out of the proceedings and future generations need not be troubled about this.

Mr. SPEAKER: I understand that in the matter of proceedings expressions of this nature which are unparliamentary or undesirable have already been expunged. As for the suggestion made by Dr. Sanyal I welcome it and I will have it discussed in the Privilege Committee.

Mr. H. S. SUHRAWARDY: Sir, I am sorry I was not here. I am told that the Hon'ble Chief Minister is prepared to withdraw certain remarks. I told you what the difficulty is. I placed it before you and I placed it before the House. It may be, Sir, that my language is not pleasing, but whatever I said I hope that I had made my remarks not against the person or against the personal qualities of the Chief Minister. I had not attacked him and his personality as much as his political activities and what he did as reflected in his political activities. The Hon'ble the Chief Minister makes some personal remarks against my good faith and honesty and all that. I had intended to give a reply to it. It is perfectly true, when I am not a silent member of this House, that in the very next debate I intended to give a reply to it in what I consider to be a suitable manner, because that being allowed my reply to it will also be allowed by you sitting in the Chair. I am in a fix. Shall I give a reply or shall I not?

Mr. SPEAKER: He has withdrawn it.

GOVERNMENT BILLS.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I beg to move that the amendment made by the Council in the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as passed by the Bengal Legislative Assembly and as amended by the Bengal Legislative Council, be taken into consideration.

Sir, there is only one amendment. It is substitution of the word "Committee" for the word "Board". That is the only amendment made and suggested by the Upper House and I leave it to the members to consider this. As a matter of fact, I find it was evidently a mistake. The House may recall that this Bill was settled after mutual consultation among the

Leaders of the parties and, as a matter of fact, there was not much discussion on the floor of the House. However, the draft, as made by the Legislative Department, was not therefore taken into minute consideration and the mistake remained there.

Sir, the amendment has been made in sub-clause (3) of clause 2. The paragraph runs thus:—

"The Director of Public Instruction, Bengal, shall be *ex-officio* Chairman of the Committee, and there shall be a Secretary of the Committee who shall for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board"—that was how it stood before—"and who shall thereafter be elected in the prescribed manner by the members of the Committee from amongst themselves."

Evidently this was a mistake. As a matter of fact, the Legislative Department took the Committee and the Board as interchangeable terms whereas, as a matter of fact, according to the definition of "Board", it could not be so. The definition of "Board" is "District School Board" whereas we are concerned with the Secretary of a Committee. Therefore, that was absolutely a mistake and this mistake was detected by the Upper House in the course of their long discussion on this Bill. Therefore, I submit that this being obviously a mistake, the correction made by the Upper House may be accepted.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, the observations made by the Hon'ble Minister in charge who happens to be the Leader of the Council leave one agape. It reminds me, Sir, of an interesting case, in which a mistake in accounting in a big Government office was detected after it had passed through 40 different persons and then even when it was passed through audit the mistake remained and at a very late stage it was put up before the Public Accounts Committee when the mistake was discovered. Such things happen when one man who passes a draft finds his superior officer just dittoing and signing the draft and the second man passes it on to the third and the third to the fourth and everyone puts his signature; and ultimately somewhere it gets stuck. It is very well that it got stuck in the Council, the Upper House, of which the Hon'ble Minister is the Leader, and the drafting mistake was detected at a very late stage. But we are entitled to know how the mistake had actually crept in.

The point at issue was whether there was any previous draft, and I presume there was another draft in which the idea of a committee was there and we want to have the full picture placed before us, so that we may, while condoning such mistakes, know the mind of Government. I do not really object to the changing of the word "Board" to "committee", because obviously this is necessary in view of the present scheme of affairs, but was it at any time the intention of Government to have a Primary Education Board and was that in the back of the mind when this amending Bill was drafted? If so, what is the present state in which that proposal stands. These are relevant questions which come uppermost in our mind.

So far as this amendment is concerned, it has raised certain important issues, namely, that when a Bill passes through one House, goes to the

other, and comes back from that House with some technical minor modifications of this character, should we treat them as minor alterations and leave them at that or try to investigate into the whole position and find out how such waste of time, paper and money necessarily could be avoided, so that in future such things may not be repeated. Where is the guarantee that the drafting made by Government—Secretaries and other officials—on behalf of Government and of the legislature could keep an eye on such technical minor drafting mistakes or grammatical mistakes? Sir, we feel that this matter should more carefully be gone into and although I do not oppose the amendment I would very much desire that more light be thrown on the state of affairs. The Hon'ble Minister in charge has of course stated his reasons. What are the reasons that the Hon'ble Minister in charge of the Legislative Department would like to advance? What reasons has he to offer to the mistake that the Legislative Department had made in this case? (The Hon'ble Mr. PRAMATHA NATH BANERJEE: No. reasons.) And Sir, if there is no explanation then let us at least have this on record that this House desires better scrutiny, more careful examination, word for word, of at least all pieces of legislation that pass through this House. We must not be caught napping by the Upper House or Council and we will not allow the Council to turn round next time and say: "Well, you boys! you made a mistake here—grammatical or otherwise—and you must correct it." Let us at least not have that repeated.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, as I have already explained it was unavoidable. I could not discover the mistake; it was unavoidable under the circumstances of the case. As I have told you there was absolutely no discussion about the provisions of the Bill or any scrutiny of the language in which the Bill was couched. That was the reason why this mistake occurred. We took only 15 minutes to pass this Bill in this House, whereas in the other House they took about 20 days to scrutinise the Bill to the minutest detail, and there this mistake was discovered. As a matter of fact it also did not strike me when it was passed by the Assembly. That is the main reason. Certainly I realise the anxiety of the honourable members that in future all such Bills should be very carefully scrutinised, so that this House may not have the mortification to feel that we made a mistake which was detected by the other House. I realise the anxiety on the part of honourable members of this House, and I can assure you that in future any legislation that comes from the Legislative Department will be very carefully scrutinised by me before it goes to the other House.

The motion of the Hon'ble Khan Bahadur M. Abdul Karim that the amendment made by the Council in the Bengal (Rural) Primary Education (Amendment) Bill, 1942, be taken into consideration, was then put and agreed to.

The question that the amendment made by the Council in the Bengal (Rural) Primary Education (Amendment) Bill, 1942, be agreed to, was then put and agreed to.

The Bengal Finance Bill, 1943.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Bengal Finance Bill, 1943, be taken into consideration.

I do not wish to take up the time of the House by retraversing the ground that I covered in detail in my budget speech, and I propose therefore merely to summarise the outstanding points of our present financial position.

The war has thrown a very heavy additional burden on provincial revenues: the budget estimate of expenditure for the coming year under the new war head "63—Extraordinary Charges in India" has been placed at 1 crore 61 lakhs: but the expenditure booked under this head does not by any means indicate the full measure of the burden. The cost of the dearness allowance—an item that occurs under each grant—is likely to be in the neighbourhod of 60 lakhs: the provisions under "29—Police" in the coming year's budget is 2 crores 89 lakhs: excluding 26 lakhs, which is on account of dearness allowance, the balance of next year's provision represents an increase of 35 lakhs over the actuals of 1939-40: ninety-five per cent. of this increase may fairly be said to be an additional burden placed on provincial revenues by the war.

Briefly, I would say that out of our expenditure in these days the normal administration of the province accounts for between 14¼ and 14½ crores and everything over this is extra expenditure that has had to be undertaken by reason of the war. That means that the abnormal expenditure to be met from provincial revenues is of the order of 3 crores a year.

That of course is not the whole picture: there have also been considerable additions to our revenue since the first year of the war: at 2 crores 10 lakhs our receipts from the income-tax pool this year will be 127 lakhs higher than they were in 1940-41: our receipts under Provincial Excise are 60 lakhs higher than in 1940-41: during the current year the new taxation imposed in 1940—the sale tax, the raw jute sales tax and the motor spirit sales tax—is responsible for additional revenue of nearly a crore. Against these gains we have to set losses under Customs, better known to members of this House perhaps as the Jute Export Duty: under Stamps and Land Revenue. The net result is that in the current year we hope to meet nearly a crore and a half of the extra expenditure from current revenue and the rest must be met with borrowed money.

Under the Delhi agreement of January 1942 we receive from the Central Government interest-free advances to assist us to meet our share of the poolable Civil Defence expenditure. The amount estimated to be outstanding on account of these advances on 31st March, 1944, is 2 crores 20 lakhs. In addition, during the current year, we have received from the Central Government a special ways and means advance of 2½ crores. This advance was to have been repaid in June 1943 but we shall be in no position to repay it at that time and India has agreed to extend the period of repayment for a further twelve months. As far, therefore, as can be seen at present, on 31st March, 1944, we shall be owing the Central Government about 4 crores 70 lakhs.

It must always be a difficult question how to allocate the burden of war expenditure between the tax-payer of today and posterity. I have already informed the House that I have no intention of trying "to pay as we go". In this bill the additional revenue I am asking the House to empower me to raise is only 33 lakhs, representing about one-fifth only of the anticipated deficit during 1943-44.

In my budget speech I indicated that the decision to limit my demands to this modest figure was dictated by my anxiety not to do anything that might entail for the poorer classes any material addition to the already phenomenally high cost of living. If further research brings to light other sources of taxation that will not affect the cost of living of the poorer classes or if our efforts to reduce the prices of the necessaries of life are crowned with success, I shall consider whether I shall not be justified in calling on today's taxpayer to bear a larger share of the war burden.

I now turn to the Bill.

The first Act with which we are concerned is the Bengal Entertainments Tax of 1922: my first proposal is the enhancement of the tax on the admission charges to cinemas.

The Bill makes no change in the tax on admission charges of seven annas or less: for practical purposes my proposals represent the doubling of the existing rates on admission charges of eight annas and over. The additional levy is one that the cinema goer can well afford or at worst by absenting himself may avoid. I also propose that the totalisator tax should be raised from 4 per cent. to 10 per cent. and the betting tax from 4 per cent. to 10 per cent. At times like the present no one will, I imagine, dispute the justice of an enhancement of the existing rate of either of these taxes.

The other duty I wish to enhance is the electricity duty. I propose to double the duty when the licensee's net charge does not exceed three annas a unit. The only licensee in Bengal whose net charge is three annas or less is the Calcutta Electric Supply Corporation and the effect of my proposal is that taking the licensee's charge and the Government levy together the domestic consumer in Calcutta will once again have to pay the same amount for his electricity as he paid in 1936 before the Company reduced their net charge from 2½ annas to 2 annas a unit. In order not to add to the difficulties of the smallest consumers I have provided that in the case of those consumers who use more than fifteen units in any one month (and do not therefore get the benefit of the exemption allowed to small consumers) but do not use more than twenty units there shall be no enhancement of the existing rate.

The House will wish to know what additional revenue the enhanced rates are expected to bring in. It is estimated that the enhanced tax on cinemas should yield an extra 6 lakhs: the totalisator tax 12 lakhs: the betting tax 3 lakhs. There has been a very heavy drop in our receipts from electricity duty as a result of the black-out in Calcutta and the proposed enhancement is not likely to give us more than 12 lakhs extra so long as the present lighting restrictions continue.

One word about the period for which these enhanced rates are to be in force:

I am asking the House to impose this emergency taxation for two years only in the first instance. Before the expiry of that period the position will be reviewed and should it be necessary the House will be asked to extend the period for which the enhanced rates may remain operative.

Maulvi MUHAMMAD ISRAIL: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1943.

Sir, in moving this amendment I beg to point out to this House that this Bill was placed before the House only on the 18th February, 1943. This Bill was not published in the *Calcutta Gazette* previous to that date.

Sir, it is a Finance Bill and it affects the purse of the public; so the public must have a voice and they must know how their purse is going to be affected by the passing of this Finance Bill. There were other means of **taxing** the people and these were placed before the country much earlier. I want to read here the recommendation of the Bengal Land Revenue Commission. They said on page 64 of the Report of the Commission: "We should prefer an agricultural income-tax to be imposed as a transitional measure until the scheme of State acquisition is effected or as a permanent measure, if Government consider that State acquisition should not be undertaken for financial or other reasons. We are strongly of the opinion that if any agricultural income-tax is imposed it should be applied solely for the improvement of agriculture or for projects connected with agricultural improvement."

Sir, I beg to point out here that during the last Ministry an Agricultural Income-tax Bill was published in the Gazette in 1941 and that Bill was going to be taken up by the House. Now, an argument may be put here that it is only due to the presence of the war that that Bill cannot be taken up. The Land Revenue Commission has taken that view of the matter also into consideration. They said: "We realise that if it is not possible particularly during the duration of the war to raise necessary instalments — that may not be feasible during the continuance of the War—so far as the imposition of agricultural income-tax is concerned, Government can do it even during the continuance of the War." That particular body has given its verdict for the agricultural income-tax. I do not know why the present Government is fighting shy of the imposition of agricultural income-tax. The Government of Assam has done it, so also is the case with the Government of Madras. I do not know why the Government of Bengal is fighting shy. Sir, the Muslim League Ministry had actually taken up the matter and a Bill was published, and it could have been on the Statute Book if there had been no change in the Ministry in the meantime. The present Ministry which is a combination of the Krishak Proja Party and the Forward Bloc Party were always for the abolition of the Permanent Settlement and for the imposition of this tax for the amelioration of the condition of the agriculturists—the Krishak Projas themselves. But now they are not coming forward with a Bill of this kind for the reason that the land-owning classes might be annoyed.

I think they are not doing it only for the reason that the land-owning classes who are giving their support to the present Ministry may be estranged. I put forward the case of Agricultural Income-tax Bill on the ground that the Revenue Commission itself had recommended that the receipts from the agricultural income-tax should be applied solely for the improvement of agriculture or for projects connected with agricultural improvement. So, if agricultural income-tax was imposed, then the country would have benefited because the entire net proceeds therefrom would have gone for the improvement of agriculture. So far as this particular tax is concerned the Finance Minister, who happens to be the Chief Minister, does not say anything in the Statement of Objects and Reasons and also in his financial statement and also in the speech that he has just now delivered as to what purpose the proceeds from the taxation will go. He does not say that it will go for the improvement of the dumb millions of the country.

Sir, we have seen that sales tax was passed and when it was going to be passed it was pressed from all sections of the House that the proceeds from the pool must go for ameliorative measures, particularly of the masses, and the House insisted that it should be incorporated in the Bill then. But the Government came forward with the plea that they were unable to embody the same in the Bill itself, but they were ready to give an assurance that the proceeds therefrom would be spent solely for nation-building purposes, but this Progressive Ministry has not utilised even a farthing from the sales tax proceeds for the improvement of nation-building departments. Not only that, Sir. They have effected saving in a most important part of nation-building departments like the Primary Education. They have saved 11 lakhs 10 thousand from Primary Education—10 lakhs which was reserved for the School Board and 1 lakh 10 thousand for the training of primary teachers.

Sir, I beg to draw the attention of the House to another point. The Chief Minister in his financial statement has said that we have got more than 48 lakhs of rupees from excise duty during the current year. He goes on to say, "Excise receipts are up by 48 lakhs. This is attributable to the larger consumption of country liquor as a result of the influx into this Province of large numbers of non-Bengalee labourers, evacuees and camp followers addicted to liquor." Mr. Gladding also the other day pointed out that the excise duty might have been increased. I think the Ministry are committed to prohibition, but it would have been much better if they increased the excise duty so that it would have been in a sense a progressive way of prohibition. They have not seen their way to increase the excise duty; they have only said that this was due to the fact that non-Bengalee labourers, evacuees and their camp followers were consuming these things, and if you go through the Red Book itself you will find that there has been a rise in consumption of opium also. If there was an increase in excise duty, I think that would have gone a great way in reducing the consumption both of country liquor as well as of opium. Sir, the Chief Minister has tried to show to this House that because liquor or country liquor is consumed by the non-Bengalees so it may be encouraged. I only leave it to the

good sense of the Hon'ble the Chief Minister and also of the party supporting him which is styled as progressive whether they are ready to encourage consumption of country liquor by non-Bengalees.

Sir, another point to which I beg to draw the attention of the House is that in the Original Side of the High Court, court-fee paid is nominal. There has been a great demand in the country that proper court-fee should be assessed in the Original Side of the High Court. That agitation is going on in the country for a long time. Even on a plaint of a crore of rupees, nominal court-fee is affixed. Government did not see their way to impose taxation there without touching such an important thing like electricity.

My motion, therefore, in seeking the Bill to be circulated for eliciting public opinion is this: it is an important measure of taxation; the Bill was not published in the Gazette earlier before it was placed in the House; the country unfortunately had no time in expressing its opinion one way or the other. This House owes a duty to give the public an opportunity to express its opinion on the Finance Bill. My motion is a very modest one. I think that if the Bill is to be passed it ought to be passed during the current session of the Legislative Assembly. So I propose that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, so that after the opinions are expressed thereon the Bill may be taken up during the current session of the Assembly and Government may not be put to any awkward situation. I think my modest amendment for getting it circulated up to the 15th March will be accepted by the Chief Minister, and I commend my motion for the acceptance of the House for the reasons already stated.

Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, may I take this opportunity of reminding the Hon'ble the Chief Minister and the members of the party supporting him that before we parted company the Hon'ble the Chief Minister told the members of his party that the first step of financial reform that he will undertake will be the repeal of the Sales Tax. I would also like to remind the honourable members and the Chief Minister that he told members of his party that he was not responsible for the Sales Tax, that it was I who has responsible for it and therefore he should be permitted to form a new Ministry whose first task would be to repeal the Sales Tax. It was, Sir, a method of hitting below the belt, but for the time being he managed to arouse hate against me and to get a certain amount of support for himself from the members of his party. From that time onwards we have been waiting to see when the Chief Minister would implement his promise so glibly given to the members of his party.

Now, Sir, it is very difficult to take a decided view regarding taxation owing to the special circumstances of today. We know that we are unable to balance our budget and therefore it is meet and proper that the income should be increased.

At the same time, Sir, if the increase in the financial resources be of such a nature that it does not help the Province at all, if it merely casts a burden upon the people without in any appreciable measure assisting the finances of the Province, if the Province cannot ever make up the deficit,

and the deficit will ultimately have to be wiped off, as the previous deficit of the Bengal Government had to be wiped off by the Government of India, then, Sir, there is no justification why the people of Bengal should be asked to undergo a fresh burden of taxation when all that it will result in will be to lighten the burden of the Government of India and place the burden on the neck of the people of Bengal. I am, therefore, as a question of principle, against the imposition of any fresh taxation unless that fresh taxation can balance the Budget or that fresh taxation will place a surplus at the disposal of the Government of Bengal which can be utilised for the purpose of ameliorating the condition of the masses. It is no use sapping our resources merely for the purpose of decreasing the amount which will have to be wiped off ultimately, because there is not the slightest hope that the resources of the Government of Bengal will be able to meet the financial commitments necessitated by the war.

Then, Sir, I come to the point as regards what commodity we should tax if the House does decide that we should put on some taxation. Well, in the first place, we should tax those persons who can afford to pay. In that category falls the agricultural income. Sir, a Bill was prepared which was published by me and it was ready to be taken up, but as everybody in this House knows a new Ministry came into power, and since then we have heard nothing about it. The next point is that we should tax such commodities which at the present moment are lightly taxed, such as luxuries. The third commodity which we should tax should be in the interests of social reform, and there the first thing which strikes us is the increase in the excise duty. The House will remember that when the Sales Tax was introduced in this House, country liquor and foreign liquor were kept out of the purview of the Sales Tax, because they had a special tax of their own, and I stated on the floor of the House that it was the purpose of Government to levy fresh taxation in respect of these by increasing the rate of excise duty. Therefore, before you go in for easy taxation which can be imposed by a stroke of the pen, you should, in the first instance, increase the excise duty, as my friend Mr. Israil has forcefully pointed out, and also increase the duty on foreign liquor. I remember, Sir, it being argued that foreign liquor would not be able to stand an increased levy. On the other hand, we find that foreign liquor is now selling at about 5, 6 and 10 times the previous rate, and those who want it are paying for it. Therefore, Sir, if the duty on foreign liquor had been increased, we would have a very good revenue and this would be the first source which we should have tapped before we tapped such things as electricity rates. My view regarding electricity duty is this: it was the intention of the previous Government that we should have a policy of electricity expansion and for that purpose we should build up a reserve fund and my idea at that moment was that the duty that we were raising from electricity should be set apart and funded for the purpose of future electrical development. The reason why I did not do so at that moment was that there was no definite policy and that was the reason why we appointed some experts for the purpose of advising us on such a policy.

Now, Sir, I think it is unfair to increase the electricity duty particularly when the income will go merely for the purpose of lightening the burden of the Government of India and not of the Government of Bengal. I think that Government should, as far as possible, frame an electricity policy of its own, and if it imposes any electricity duty, this as well as the previous duty ought to be separated and funded for the purpose of electricity expansion.

Now, Sir, electricity duty can be imposed with ease, and as electricity is cheaper here in Calcutta than outside Calcutta, it is the first object to attract the eye. But Government forget that we have to pay for other things here at a very high rate; our general taxation is higher than what it is in the mofussil, and over and above that it is advantageous to have cheap electricity. Cheap electricity should be the slogan and not dear electricity. We should not place it on a par with the mofussil and make it dear. A friend of mine who is an expert on electricity said, "It seems to me that Government is out to see what is cheap and instead of making cheap things cheaper it says, 'well, this is cheap; let us make it dear and dearer and make it more difficult for the people to purchase it' ".

Then, Sir, as to the minimum limit proposed by the Hon'ble Minister, namely, 15 units or 20 units, I think the exemptable minimum should be raised.

Then, Sir, as regards the betting tax it is very easy to put it on and it may be said that it fits in with the third category, namely, as a measure of social reform, but, Sir, the result will be just the reverse. We know that in Calcutta bucket shops are a veritable menace and in spite of efforts of the Police they have not been able to bring these bucket shops under control. If the rate is increased in this haphazard manner without any attempt being made to control the bucket shops and illegal betting, the result will be that betting will go underground and there will be more betting outside and more will escape taxation than before.

As regards cinema I do not say anything, because I used to be an addict as a cinema-goer; but I would only say this that four annas on two rupees is a sum which fits our sense of proportion but eight annas on two rupees does not. Well, Sir, if the Hon'ble Minister thinks that the entertainment of the people should be curtailed, of course one cannot say very much regarding this, because we know that there are a large number of people who have to go without entertainment or without the softer amenities of life, and those who can afford to pay should pay, but my fundamental objection still stands that taxation should not be imposed on the people if the proceeds really cannot benefit them.

Mr. D. GLADDING: Mr. Speaker, Sir, on behalf of the European Party I oppose the motion for circulation and support the motion for consideration of this Finance Bill. Our attitude to the Bill was indicated in the general debate on the Budget. We take it strictly for what it claims to be, namely, a purely temporary war measure, to reduce the gap between revenue receipts and revenue expenditure created by our large expenditure on Civil Defence, extra Police, measures to control supplies and the price

of food, and measures to grant dearness allowances to poorer paid Government servants; all of which expenditure is a result of the war and directed to its successful prosecution so far as this Province is concerned. We approve of extra taxation for that purpose, as a purely temporary war measure, and we think that taxation to the tune of an extra 33 lakhs is not unreasonable, having regard to the rate at which our indebtedness would otherwise be piling up.

Government, if I may suggest a definition, is the art of taxation. The Hon'ble Finance Minister has certainly been artful. He proposes no new taxes, and thereby saves himself the trouble of having to justify a new tax in principle. He confines himself to existing taxes whose principle has already been accepted, and proposes to increase them. He has selected three taxes only: two of them, the tax on cinema tickets and the tax on betting, are taxes on amusements; and it was in any case inevitable, I suppose, that taxes on amusements should be selected for increase. The increased tax on cinema tickets and the increased betting tax will both be heavy. They will apply throughout the Province, but will be paid, almost exclusively by Calcutta. The other tax he has selected for increase, namely, the electricity duty, is in a different street altogether. It is not a tax on amusements (if the Finance Minister thinks it is, his definition of amusement differs from mine) and the increase proposed will not apply to the whole Province. It will apply to those people only who get electricity for lights and fans from the supplier at not more than 3 annas a unit; in other words, to those people only who reside in Calcutta and its neighbourhood; and, since those people get their electricity for lights and fans at 2 annas a unit, it will subject them to a sales tax of no less than 50 per cent! This will be the first case, as far as I am aware, of identical articles of precisely the same intrinsic value being subjected to a higher tax if they are sold cheaply, and to a lower tax if they are sold more expensively: and the first case also, as far as I am aware, of their being subjected to a higher tax if they are bought in greater quantity than if they are bought in lesser quantity. The article, moreover, is a necessity rather than a luxury. We will stomach the proposal for the sake of the war on the understanding, already mentioned, that it is purely makeshift for the period of the war, and on the understanding that it does not represent a considered change in Government's theory of taxation. All we shall do is to put in two amendments which I will mention later.

With regard to the increased tax on cinema tickets, we ask Government, if it is passed, to give the cinemas at least one month's notice, so that they may make the necessary alterations, such as printing of tickets, before it is brought into force. We also ask Government to try, as a matter of convenience to the industry, to bring it into force on the day in the week on which the majority generally change their programmes. This, I believe, is Friday.

With regard to the Betting Tax, we would warn Government, as Mr. Suhrawardy has just done, that the raising of it to 10 per cent. will give a fillip to the already existing evil of underground betting with bucket shops. Government's proposed action will, therefore, not merely set an

added premium on evasion of the law but also, to a possibly serious extent, deprive Government of some of the extra revenue it hopes to get. As a counter-measure, Government had better take steps to ensure that deterrent punishment is meted out to owners, occupiers and users of bucket shop premises. As far as we are aware, Magistrates have not been in the habit of exercising more than a fraction of their powers to impose a maximum penalty of Rs. 500 or three months' rigorous imprisonment.

The two amendments which we have put in as regards electricity duty stand in the names of Mr. J. R. Walker and myself. Mr. Walker's amendment, which is put in two alternative forms, seeks merely to remove an anomaly in the present working of the electricity duty; by making it clear that the lighting of roads running between coolie lines provided by an industrial undertaking is exempt from the tax if the coolie lines are situated outside the immediate four walls of the factory premises, just as it is if they lie within those four walls. The amendment that stands in my name seeks to protect from the increased electricity duty a greater number of the poorer members of the public than is proposed to be protected by the Finance Minister's Bill. He proposes to levy the existing 6 pies duty on those only whose consumption exceeds 15 units but does not exceed 20 units. Our amendment proposes to save those also whose consumption exceeds 20 units but does not exceed 30 units per month. The amendment, if accepted, will save over 9,000 poor families from having their cost of living increased by this Bill, and will deprive Government of only about 7 per cent. of their expected increase of revenue from clause 6 of this Bill. We are most hopeful that Government will accept both of these amendments.

We see no good grounds whatever for circulating this Bill. It is a short Bill; it breaks no new ground, and it should be disposed of as quickly as possible. This House should be quite capable of disposing of it in its own stride. As I said when I began, my Party opposes the motion for circulation and supports the motion for consideration.

Khwaja Sir NAZIMUDDIN: Sir, I support the motion for circulation. Mr. Suhrawardy has given very strong reasons why this Bill should be circulated for eliciting public opinion. I maintain that the whole scheme of taxation under this Bill is wrong. The object of taxation should be, as far as possible, not to tax the poor people but to impose taxation on those who are best able to pay. Sir, if this Bill is passed, the heaviest burden will fall on those who are the least able to pay. I consider it very wrong that the amusement tax on the seats for three or four annas should be increased. For the people who are very poor the only amusement and relaxation is perhaps to go to the cinema once a week or once a month. They live a very hard life of drudgery and toil and they hardly know any recreation. At a time when the poor people have been most hard hit by rice selling at Rs. 20 per maund imposition of an additional burden on them in the shape of enhanced amusement tax would, I think, be grossly unfair and wrong. There can be no objection if Government increase the taxation on higher priced seats, but to impose a tax on a three-anna or a four-anna seat is absolutely wrong. I think this at least should be avoided.

Sir, I now come to the betting. It has already been pointed out by previous speakers that this increase of 10 per cent. would lead to the increase in the number of bucket shops. Anybody who knows anything about betting——

Maulvi ABU HOSSAIN SARKAR: We know nothing about betting, but if you know you can give your considered opinion.

Khwaja Sir NAZIMUDDIN: Anybody who knows anything about betting must realise that there is no means by which Government can prevent the increase in the number of bucket shops and illicit gambling. Mr. Gladding has suggested deterrent punishment, but in every country this has been tried and it has failed.

It only leads to the increase in the number of bucket shops; illicit betting will increase. What is more, I am strongly of opinion that the amount of tax which Government expect to derive from this tax will not be realised. The amount is bound to go down. Betting on the race course will decrease and the expected amount of tax will not be realized. (Dr. NALINAKSHA SANYAL: The same arguments apply to the Fatka market also.) Therefore, I think it would have been far better if the tax on winning bets had been increased from 4 per cent. to 5 per cent. and a 5 per cent. tax put on the bookmakers' and totalizators' winning bets. The Turf Club in Bengal gets off very lightly as far as taxation is concerned. There is absolutely no justification why the Turf Club should not pay a portion of the betting tax. At the present time the tax is paid by the winning punters entirely. The Turf Club takes all the profits and pays only the tax. That is the excuse that has been put forward, for not taxing it, but so far as income-tax is concerned, they deduct all their expenses, such as lavish entertainment, high salaries, etc., and thus reduce the due amount of income-tax. But if a 5 per cent. tax is put on the totalizator's takings on the losing tickets—this will be paid out of the profits of the Turf Club—then the amount which will be realized will be much more. At the same time, if the bookmakers are also treated in the same way and 5 per cent. tax is taken from their winning bets, then also the amount that Government will get will be increased. So, the result will be that actually Government will get more money and there will be less burden on the people and the evil of increase in bucket shops and illicit gambling will also be much less.

Now I come to the electricity tax. Here I am afraid I am going to give Mr. Gladding a shock, but let me remind the House that when the Electricity Bill was first introduced, taxation of industrial electricity was provided for, that is to say, industrial concerns where electricity was used were made to pay certain electricty tax. At that time it was pointed out that it would be a great handicap to industries if this tax was retained; it would be unfair as far as competition with coal and oil was concerned and at that time, I may remind the members of the House, the industries were going through a very bad period of depression. Now I maintain that industries are actually making money hands over foot and they are absolutely rolling in wealth. They do not know how to avoid the Excess Profits Tax

and I submit that if at the present time industrial electricity is taxed, industries will not feel it. Instead of paying in the shape of Excess Profits Tax, they would be glad to pay direct to the Province. There will be fair competition between coal and electricity.

Further I would specially point out to those who are residents in Calcutta that the proposed increase of electricity duty falls most heavily on that class of people who are at the present time least able to bear this tax, I mean the middle class people with fixed income and those who get salaries and those who have got limited means. On the other hand, business people and to a certain extent certain other classes who are making large profits out of war industries are flourishing. It is the people who belong to the services who have got fixed income, it is they whose cost of living has gone up and at the same time their income has remained stationary. To put additional burden on this class of people by taxing electricity is, I consider, grossly wrong. Evidently, Ministers have never considered this qustion from the point of view of the public and as usual the Bill has been evolved in the Secretariat where, as Mr. Gladding says with his past experience, it is the easiest way to do it, namely, you have got no new taxation, just look up the old taxes, add a little more, it involves very little work and it goes through the House. When it was put before Minister, he put his *dhobi* mark on it. They never considered how people are going to be affected by the scheme of taxation. They did not take into consideration the poor middle class people who are groaning under the heavy rise in the cost of living, they have put a serious burden on them by increasing the electricity tax.

Sir, I would also like to point out that at a time when the price of kerosene oil has gone so high, when kerosene is absolutely unobtainable, it is very immoral to put a tax on electricity because the only way in which people can avoid using kerosene oil is by using more electric light. Now, in Calcutta practically 99 per cent. of the houses have got electricity and to increase the electricity tax on ordinary consumers is wrong. Government could have done the same thing, could have achieved the same object, could have got the desired amount of money—as the European Group wants for the purpose of meeting war expenditure—by means equally well and at the same time without hitting the middle class and poor people.

Sir, I submit that if this Bill is circulated for eliciting public opinion, it would be possible for Government to frame a Bill which will give far more money than is expected from the present Bill.

Sir, I have forgotten to say one other thing. Government can increase the amount which they get from the Calcutta Turf Club. They pay only Rs. 20,000 a year whereas the Bombay Government realise from Rs. 2 lakhs to Rs. 3 lakhs from the Western India Turf Club. I see no reason why we cannot call upon the Calcutta Turf Club to pay Rs. 2 lakhs whose reserve funds are enormous, whose income is tremendous,—and what is more—, where Indians are debarred from becoming permanent members, where Indian jockeys are not given licence and where racing of Indian bred horses are not properly provided for. You may compare the conditions here with those in Bombay where they have made it compulsory that 66 per cent. of

the prize money must be reserved for Indian bred horses. One result of this rule has been that this year an Indian bred horse, two years old, has fetched a price of Rs. 55,000. The horse was bred by an ordinary breeder in Punjab and he has been able to earn Rs. 55,000 by the sale of one horse. The average price this year for an Indian bred horse has been something like Rs. 10,000 to Rs. 12,000. That is only due to the fact that in Bombay the Western India Turf Club are putting prize money ranging from Rs. 20,000 to Rs. 30,000 for Indian bred horses. If in Bengal the Calcutta Turf Club were to reserve races for Indian bred horses, the breeding of Indian horses will improve. Indian jockeys can also be trained thus justifying the continuance of racing.

Sir, I submit that Government should seriously consider these proposals. If they really want to raise taxes, if they want to meet the deficit, they have got means at their disposal. They can do so by a sensible scheme of taxation and not by this ill-conceived measure.

(Mr. Speaker called upon Mr. P. Banerji to speak).

Mr. J. R. WALKER: May I be permitted, Sir, to say one word in connection with the remarks made by Sir Nazimuddin? I won't take more than a minute.

Mr. SPEAKER: No. I have already called upon Mr. Banerji to speak.

Mr. P. BANERJI: Mr. Speaker, Sir, I rise to speak on the motion for circulation and in doing so I endorse the words that have fallen from the supporters of this Bill. Sir, it was very interesting indeed to listen to Sir Nazimuddin this afternoon. There is a saying in Sanskrit " ভবতি বিজ্ঞতর ক্রমশঃ জনাঃ " *i.e.*, people grow wiser gradually and slowly. In 1930 I introduced a Bill called the Betting, Racing and Lottery Bill. In that Bill I put forward certain arguments and I am glad to hear this evening that Sir Nazimuddin in opposing this measure suggested some arguments which practically echoed the whole statement made by me on the floor of the House in 1930. At that time I asked why should we not break the monopoly of the Royal Turf Club? Why should not the Turf Club be taxed? But Government turned a deaf year to my proposal. Later on, Sir, when the Dog Racing Bill was introduced I was similarly treated; Sir Nazimuddin also opposed that Bill. In the course of a very nice argument in support of the Bill, the Hon'ble Finance Minister states that if the poorer class of people feel that the taxation is high it is better that they should abstain themselves from the cinema. Very wonderful argument indeed! Such an argument can come from a child, but not from a responsible Minister of Government having so much experience. As has been said by all the speakers there must be some time given to consider the evil effects of taxation on 4-anna tickets. I was a member of the Select Committee when this Act was passed. I opposed taxation on 4-anna tickets. After I had spoken Sir John Woodhead considered that there should not be any taxation on tickets worth 3 annas to 3 annas 9 pies, but I insisted that tickets up to 4 annas should be exempted from taxation. Now what is the actual state of affairs? Sir Nazimuddin and other honourable members have

said that it is not possible to stop bucket shops or illicit betting. If it is not possible then the only course is that dog racing should be legalised which is within the poor man's means. When a similar Bill was introduced in the British Parliament in October 1930 it was said that it was the poor man's pastime. Dog racing was legalised in England in 1930. As regards cinema houses in India we notice that the agents of the police purchase all the 4½-anna tickets with the result that poor men cannot purchase tickets worth 4 annas 6 pies. These tickets are sold in front of cinema houses at not less than 6 annas. Therefore, Sir, whether Government is generous or not, the fact remains that the poor man's pastime is taxed here. It is not possible for poor men in this country to get tickets at 4 annas 6 pies; they have to pay in all 6 annas. Therefore, Sir, I consider that up to 4 annas there should be no taxation and this has already been supported by Sir Nazimuddin.

Now, Sir, as to other points public opinion is very much against this Bill. At this time, particularly when the prices of all commodities are soaring very high, it is only fair that there should be no taxation and Sir Nazimuddin was right in pointing out that without equivalent gain to the people there should not be any taxation. I submit, Sir, that this is a wrong policy of taxation.

Now, Sir, the Hon'ble Finance Minister expects to get an additional revenue of Rs. 6 lakhs from this taxation. In the course of another debate it was suggested that instead of this taxation agricultural income should have been taxed. That was the only course open to Government without bringing in this sort of taxation at this time.

Sir, I do not want to speak on electricity, because after waiting year after year at the doors of the Electric Company and bringing pressure on them we succeeded in reducing the rate of electricity. As soon as the rate was reduced, Government put a tax on it. It has been said by Mr. Suhrawardy that the electricity charge in Calcutta is cheap, but some people say that it is not cheaper in comparison with the electricity charges in England and other countries of the world. It was also the intention of Government to have the electricity rate further reduced for the advantage of everybody.

The only point that has been stressed is with regard to the taxation on betting. The Turf Club should be very heavily taxed and Sir Nazimuddin also suggested that there should be facilities for employment of Indian jockeys. I vehemently spoke year after year in favour of this proposal. There was absolutely no reason why the Turf Club should have the monopoly in the matter. From the year 1932, *i.e.*, for more than 10 years I have been trying and I have failed. Now, Sir, I notice this change. People have begun to think otherwise and even Sir Nazimuddin today holds the view that there should be Indian jockeys and if there are Indian jockeys the monopoly should not be given to the Turf Club. I think that there are Indian clubs also which can manage it. When the Sales Tax Bill was circulated for public opinion, the majority opinion of Municipalities, District

Boards and Associations was in favour of this proposal, while the Turf Club, the European Association and the Bengal Chamber of Commerce were opposed to it.

These three associations opposed because they were interested parties. In spite of all this public opinion in our favour the proposal had not been given effect to. Sir, things are rapidly changing; and when even Sir Nazimuddin feels that everything should be Indianised I suggest that a Bill should be brought in in the next session so that Government—because it is a temporary measure of taxation—can immediately do away with this Bill and bring forward a Bill taxing both horse-racing and dog-racing. Then Government may have crores of rupees from this direction: these races will pay Government one crore of rupees in the first year and more in the following years, just as it was done in Ireland. In 1930, 88 lakhs were given by the Irish Sweepstake to the Government Irish Hospital which at one time was the worst and is now the best. Since then the money that is being received from the Irish Sweepstake by the Irish Government is being utilised in other directions also.

With these words, Sir, I support the motion for circulation.

Mr. J. R. WALKER: Sir, I am sorry my friend Sir Nazimuddin has left the House. I had no intention of replying to his remarks against the Turf Club, but I would like to point out to the members of the House that profits from racing during the period of the War are being given to the East India Fund for the special purpose of providing amenities for British and Indian troops.

Mr. SPEAKER: Today is Akheri-Chahar-Shamba as every Muslim knows it, and some offices are altogether closed and their employees get the benefit thereof and in some other offices, as I understand, Muslim officers are allowed to be absent. But here we had a double sitting on this particular day. Muslim members know it perfectly well that on this day pious Muslims say special prayers. Accordingly I adjourn the House now till 3-45 p.m. on Friday next.

Adjournment.

The House was then adjourned at 5-10 p.m. till 3-45 p.m. on Friday, the 5th March, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 5th March, 1943, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 6 Hon'ble Ministers and 172 members.

STARRED QUESTIONS

(to which oral answers were given)

Travelling allowance paid to the members of the Progressive Coalition Party.

*(The three questions *98, *99 and *100 were taken together.)*

***98. Mr. MADHUSUDAN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether the members of the Progressive Coalition Party of the Assembly were paid any travelling allowance for attending any party meeting at Calcutta during the current financial year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister please state—

(*i*) the rules under which such allowance was permissible;
(*ii*) the head under which the money was paid; and
(*iii*) the amount spent for the purpose?

(*c*) Will the Hon'ble Minister be pleased to state whether members belonging to other parties of the Assembly are eligible for any travelling allowance for attending the party meetings of their own?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether such members were paid any travelling allowance for such purpose?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) The attention of the member is invited to the reply given to starred question No. 81 on the 1st March, 1943, by Khan Bahadur Md. Ali, M.L.A.

(*c*) and (*d*) Do not arise.

***99. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether the Government have paid any travelling allowances and daily allowances to the members of the Progressive Coalition Party of the Assembly for attending their party meeting?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the relevant section or sections or rule or rules of the Account Rules or any other law which permit the members to draw money for such purposes from the Provincial Exchequer?

The Hon'ble Mr. A. K. FAZLUL HUQ: The attention of the member is invited to the reply given to starred question No. 81, on the 1st March, 1943, by Khan Bahadur Md. Ali, M.L.A.

*100. **Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state—

(*a*) the names of the members of the Progressive Coalition Party who have drawn travelling allowance, conveyance allowance and daily allowance for attending the party meeting last time; and

(*b*) the amount that has been drawn by each of them?

The Hon'ble Mr. A. K. FAZLUL HUQ: The attention of the member is invited to the reply given to clauses (*b*) (*ii*) and (*iii*) of starred question No. 81 on the 1st March, 1943, by Khan Bahadur Md. Ali, M.L.A. No conveyance or daily allowance has been paid.

Khan Bahadur MOHAMMED ALI: With reference to question No. 98(*b*)(*iii*), will the Hon'ble Minister be pleased to state what is the total amount of money paid in respect of travelling allowance for the purpose of attending the party meeting and the head under which it was charged?

The Hon'ble Mr. A. K. FAZLUL HUQ: Allowance was given to members of the party belonging to the two Houses and the total amount was Rs. 8,853-9, but as I have said, no daily allowance was paid.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether the Government intend to continue the policy of paying such allowances in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir. It was an extra-ordinary occasion on which the meeting was called and it was called only once. At present Government do not intend calling any such meeting because it does not seem necessary.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether there is any precedent?

The Hon'ble Mr. A. K. FAZLUL HUQ: Oh yes; there are.

Khan Bahadur MOHAMMED ALI: Last time the Hon'ble Minister stated in reply to a question put by me previously that *ad hoc* orders were issued: Will the Hon'ble Minister be pleased to state if that order was in contravention of the ordinary rules of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, it is not.

Khan Bahadur MOHAMMED ALI: Has the order been confirmed now?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has not been confirmed perhaps; at any rate I do not remember.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state the nature of the business transacted in that party meeting?

The Hon'ble Mr. A. K. FAZLUL HUQ: I mentioned that in detail the other day and I refer the honourable member to the answer I gave on that occasion.

Dr. ABDUL MOTALEB MALIK: With reference to the answer that there are precedents for giving such allowance, will the Hon'ble Minister be pleased to state the occasions and the times when such cases arose in the past?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember now, but if notice is given, I shall give an answer later.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the precedents to which he has referred refer to Bengal or to other provinces?

The Hon'ble Mr. A. K. FAZLUL HUQ: There may be precedents in other provinces but there are also in Bengal—I have no doubt about that.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if such extraordinary occasions ever occur in future he will be pleased to invite all members of the House to attend such meetings?

The Hon'ble Mr. A. K. FAZLUL HUQ: Oh yes; as a matter of fact so far as that point was concerned invitations were issued to persons not belonging to the Coalition Party.

Dr. NALINAKSHA SANYAL: May we know, Sir, who were the fortunate members who were so invited?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember at this time.

Dr. NALINAKSHA SANYAL: Was there any member of this Legislature outside the Progressive Coalition Party or anybody else who was not under Government patronage?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said, I am not sure, but I will look up the list.

Mr. TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state how many of the members invited were not members of the Coalition Party?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question off-hand.

Mr. TAMIZUDDIN KHAN: Will it be ten?

The Hon'ble Mr. A. K. FAZLUL HUQ: It may be a hundred: I cannot say.

Khan Bahadur MOHAMMED ALI: Was any travelling allowance paid to persons who did not belong to the Progressive Coalition Party?

The Hon'ble Mr. A. K. FAZLUL HUQ: If I give a reply, perhaps my friend will take offence. Mr. A. M. Abdul Hamid of the Opposition who attended the meeting got his travelling allowance.

Mr. A. M. ABDUL HAMID: May I be permitted to inform the House that I was the only member belonging to the Opposition, who attended the meeting.

Persons killed by police firing since the Congress movement in August, 1942.

***101. Mr. ASHUTOSH LAHIRY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of people killed as a result of police-firing since the Congress movement started in August last—

(1) in Calcutta proper,
(2) in the district of Dinajpur,
(3) in Contai subdivision,
(4) Tamluk subdivision, and
(5) in other parts of Midnapore district; and

(*b*) the number of them that were females?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Figures from the beginning of the disturbances to the end of November, 1942, are available and are given below:—

(1) 20.
(2) 4.
(3) 13.
(4) 32.
(5) Nil.

(*b*) One in Calcutta and one in Tamluk.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of these persons who have been victims of Police firing were subsequently found to be innocent absolutely of any movement?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question off-hand. I will take it as notice and will answer the question later on.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what steps were taken to compensate the families for such losses?

The Hon'ble Mr. A. K. FAZLUL HUQ: Enquiries were made, and in several cases—I cannot tell the number—allowances were paid, and even pensions or annuities were granted to members of such families.

Collective fines.

***102. Maharaja SRIS CHANDRA NANDY, of Cossimbazar:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that the Government are imposing or have imposed collective fines under the Collective Fines Ordinance, 1942, on the Hindus only;

(*ii*) that the fine is being imposed on people who are non-residents, because of their ownership of land in the affected area; and

(*iii*) that the fine is also being imposed on landlords of position and proved loyalty because of their having property in the affected area?

(*b*) Will the Hon'ble Minister be pleased to state whether it is the local officials alone who have the power of granting exemption from the imposition of collective fines?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state who is responsible for granting of exemption in the administration of the Collective Fines Ordinance, 1942?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No. I refer the honourable member to the notifications imposing the fines published from time to time in the *Calcutta Gazette*.

(*ii*) and (*iii*) I refer the honourable member to the explanation to section 3 of the Collective Fines Ordinance, 1942, under which non-residents of the kind indicated are liable to be assessed. No portion of the fine is imposed upon a landlord of position and proved loyalty merely because of his possession of property in the affected area.

(*b*) and (*c*) I refer the honourable member to section 3 of the Ordinance and to Government Order No. 20831P., dated the 22nd October, 1942, published in the *Calcutta Gazette*, dated the 29th October, 1942, under which District Officers have been empowered to grant exemptions.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*)(*ii*), what is the difference between persons who are non-residents and have lands and those who are landlords of position and proved loyalty? What do the Government mean when they speak of landlords of position and proved loyalty?

Mr. SPEAKER: Khan Bahadur Mohammed Ali, I have not been able to follow you. Will you please repeat your question?

Khan Bahadur MOHAMMED ALI: My question is: why is it that when fine is imposed on people who are non-residents but have lands that Government make an exception in the case of landlords of position and proved loyalty?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, a definition of this kind can only be illustrated. My esteemed friend, Khan Bahadur Mohammed Ali, would come under the exception—a landlord of position, honour, dignity and so forth.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) "No", will the Hon'ble Minister be pleased to state how many of the persons affected by the Collective Fines Ordinance are Hindus and how many are Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: Certainly I cannot give the figures but if my friend wants them I take it as notice and I will give the answer later.

Dr. NALINAKSHA SANYAL: Will it be wrong to say that except one individual all others are Hindus?

Mr. SPEAKER: That question does not arise. He has said that he would take it as notice and he will supply you the information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if a certain non-resident zemindar of Gaibandha in North Bengal was fined Rs. 10,000?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember. It may have been.

Babu NAGENDRA NATH SEN: The Hon'ble Minister has used the expression "proved loyalty". My question is—proved to the satisfaction of what officer of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government—it might mean the District Magistrate, the Commissioner or higher officers of Government.

Babu NAGENDRA NATH SEN: Is the Hon'ble Minister aware that persons against whom no charge of disloyalty was ever made have been exempted from the purview of this collective fine?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer questions of such a general character, nor do I propose to contradict my friend if he makes a statement of this kind.

Khan Sahib Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister be pleased to state whether collective fines have been imposed upon the Muslims?

Mr. SPEAKER: That question does not arise.

Khan Sahib Maulvi MAFIZUDDIN AHMED: It arises out of the first question—"on the Hindus only."

Mr. SPEAKER: Yes, there is the question "on Hindus only"; so the question arises.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The question was whether Government are imposing or have imposed collective fines under the Collective Fines Ordinance on the Hindus only and my friend has asked as a supplementary question—and you have ruled that it arises—whether Collective Fines Ordinance has been applied on Muslims. There

may be a question of Hindus or non-Hindus; the question of Muslims cannot arise. I submit, Sir, that if this is permitted, then my previous question, which you have ruled as being not permissible because I suggested that there was only one Muslim and all others were Hindus, should also be permitted to be taken up.

Mr. SPEAKER: Certainly, if the Hon'ble Chief Minister had not given the reply to the effect that he could not give the number of persons affected and that he would take notice of this question to be answered at a later stage or sometime hereafter your question would have been relevant and I would have allowed it. But as the Chief Minister said that he would give a reply subsequently that question did not arise. Here there is a question whether collective fine was imposed on Muslims. If it was imposed on Hindus only, naturally the question of non-Hindus arises and non-Hindus certainly include Muslims, and consequently that question arises.

Dr. NALINAKSHA SANYAL: However, I do not question your ruling.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the answer "No" disposes of that question. It must have been imposed on non-Hindus, but on how many I cannot answer.

Khan Sahib Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister please state whether it is a fact or not that the Muslims did not join these activities of sabotage?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in several cases of sabotage Muslim accused have been proceeded against?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*), where he draws attention to the notifications imposing fines, if he is aware that exemptions of Muslims as a whole as a community have been granted and in those notifications exemptions are shown?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, in some cases that is true.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the net effect of exemption of an entire community as a whole does not lead to the conclusion that Hindus only are subjected to the imposition?

Mr. SPEAKER: That is not a question; that is only an inference.

Dr. NALINAKSHA SANYAL: It is not an inference. If you impose a fine and then give an exemption to a community, the net result is "yes" and not "no".

Mr. SPEAKER: That is a matter of inference. You can infer, the House can infer, anybody can infer. It is not a question.

Dr. NALINAKSHA SANYAL: I am putting a question to the Hon'ble Minister if he is aware that as a result of the exemption of one community as a whole from imposition, the net effect remains that Hindus only are penalised.

Mr. SPEAKER: That is a matter of inference; that is not a question.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*ii*) and (*iii*) where it is stated that "non-residents of the kind indicated are liable to be assessed", is the Hon'ble Minister aware of section 3 of the Ordinance where actual participation or harbouring of offenders has to be presumed before any actual imposition is made?

Mr. SPEAKER: You are asking the opinion of the Hon'ble Minister on a question of law. I disallow it.

Dr. NALINAKSHA SANYAL: Is he aware of the section?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, it may have been amended.

Mr. SPEAKER: I have disallowed the question.

Dr. Sanyal, may I draw your attention to the fact that there is a resolution on this very important point to be discussed today. It is no use wasting time in asking supplementary questions of this nature at this stage. If you agree with me, then I think you will kindly desist from asking any further questions.

Dr. NALINAKSHA SANYAL: I want certain information to enable me to dilate on facts that we get now in course of the resoluiton and just now it is the only opportunity, because we would like to have such questions answered earlier before the resolution comes up so that facts can be had from the Hon'ble Minister himself and the opinion of the House can be built on these facts when we will be moving the resolution.

Mr. SPEAKER: You are delivering a lecture on the subject. Will you ask your question?

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that one Mr. Maharaja Bahadur Singh, zemindar of Balurchar estate, who is an absentee landlord of Balurghat, has been penalised with an imposition of Rs. 5,000?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government has received any petition from him?

The Hon'ble Mr. A. K. FAZLUL HUQ: May be, I do not remember the name.

Khan Bahadur Maulvi FAZLUL QUADIR: Is the Hon'ble Minister aware that collective fine has been imposed upon the Muslims of Durgapur village in the district of Chittagong on account of burning a post-office?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember.

Khan Sahib Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister be pleased to state if collective fines have been imposed upon the Muslims of Burichang police-station in the district of Tippera?

The Hon'ble Mr. A. K. FAZLUL HUQ: How can I remember things all over the province taking place during three months? I cannot trust my memory. These things are not in my memory now.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answers (*b*) and (*c*) if the District Officers are empowered to grant exemptions without reference to the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in how many cases exemptions have been granted by them on the advice of or direction by the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: If notice is given I will attempt to give an answer, but I cannot say off-hand. An investigation will be needed.

(The next question was called.)

Dr. NALINAKSHA SANYAL: One more question, Sir.

Mr. SPEAKER: I have already called another question.

Dr. NALINAKSHA SANYAL: Only one more queston.

Mr. SPEAKER: All right.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have given any instructions to the District Magistrates or Officers or laid down any principles which they are required to follow in granting such exemptions, and, if so, what?

The Hon'ble Mr. A. K. FAZLUL HUQ: Instructions have been given, but I cannot give any details now. If I am given notice I can inform the House.

Dr. NALINAKSHA SANYAL: Thank you.

Supply of clothes, etc., to security prisoners in Presidency Jail.

***103. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware—

(*i*) that the jail staff in the Presidency Jail do not and cannot supply equipments, articles, etc., to the security prisoners in time;

(*ii*) that cloths, shirts, bed-sheets, pillows and pillow-cases, tooth pastes, winter clothings, socks have not been supplied to many who are here in this jail for pretty long time; and

(*iii*) that outgoing letters written by the prisoners are delayed at the jail office for a fortnight before they are despatched to Special Branch of Police?

(*b*) If the replies to question (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof and suggest remedies for them?

(*c*) If the reply to question (*a*) is in the negative, are the Government considering the desirability of instituting an enquiry into the matter and taking proper steps for remedies?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*) Every effort is made to provide security prisoners with all equipment and articles of personal use allowed to them under the Rules.

Owing to the sudden and enormous increase in the number of security prisoners since the launching of the Congress movement, it was impossible to supply all security prisoners with all the articles necessary from stocks in hand and a certain amount of delay was unavoidable. The position has since much improved.

(*iii*) Due to a sudden increase in the number of security prisoners, there was some unavoidable delay in dealing with the correspondence until extra staff to deal with the increased volume of the work could be employed.

The position has since improved.

(*b*) and (*c*) Do not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be surprised to see that I have in my possession a letter written on the 25th December, 1942, which reached the destination only yesterday? It was posted at the General Post Office, Calcutta, on the 3rd and it reached on the 4th March.

Mr. SPEAKER: That is no question, Mr. Sen. You are giving facts to the Hon'ble Minister.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if he is aware that more than two months have been taken by the Police and the Jail authorities to transmit letters to their proper destination.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether the security prisoners of the Presidency Jail petitioned to Government from the precincts of the Jail complaining against this irregular supply of necessary articles, indifference in treatment as regards A.R.P. precautions and other things, and if so, what action has been taken on that petition?

The Hon'ble Mr. A. K. FAZLUL HUQ: The answer to the first part of the question is in the affirmative The matter was taken up immediately and conclusions were arrived at, and, I think, they have been conveyed to the Jail Superintendent; I am not sure, I am speaking from memory, but action has been taken.

Mr. KIRAN SANKAR ROY: Will the Home Minister be pleased to state if he is aware that the Congress had not launched any movement at all and all these arrests were in the nature of preventive arrests?

The Hon'ble Mr. A. K. FAZLUL HUQ: The language "launching of the Congress movement" certainly implies that. I regret, Sir, that it did not strike me that I was endorsing a statement which I did not think would not be correct. The "Congress movement" meant movements after the Congress resolution had been accepted.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us if he is aware that as a protest against this irregular supply of articles to the security prisoners, many of the security prisoners numbering about 60 gave up their having interviews with their relations and other opportunities given by the Government to them?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand whether the statement made by the honourable member is correct.

Babu NAGENDRA NATH SEN: With reference to second paragraph of answer (*a*)(*i*) and (*ii*), *viz.*, it was impossible to supply all security prisoners with all the articles necessary from stocks in hand and a certain amount of delay was unavoidable, will the Hon'ble Minister be pleased to state whether while the security prisoners were not supplied with the articles from the Government stock, they are allowed to have those things from their own friends and relations?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that.

Mr. CHARU CHANDRA ROY: With reference to answer "The position has since much improved", will the Hon'ble Minister be pleased to state whether all the articles are supplied now?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say whether all the articles have been supplied. That is why I have said "the position has since much improved".

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয়ের দৃষ্টি আকর্ষণ কোরে এ বিষয়ে আমি বোল্‌তে চাই—আমাদের একজন সহকর্ম্মী নিজে এ সমস্ত বিষয়ের ভুক্তভোগী হোয়ে মন্ত্রী মহাশয়ের নিকট বিষয়গুলি নিবেদন কোরেছেন। মাননীয় মন্ত্রী মহাশয় কি এ আশ্বাস দেবেন যে তিনি নিজে অবিলম্বে এ বিষয় সম্বন্ধে বিশেষ চেষ্টা কোরে দেখবেন যাতে এই সমস্ত অভাব-অভিযোগ দূরীভূত হয়?

Mr. SPEAKER: That is a request for action.

Complaint against a Sub-Deputy Magistrate.

***104. Maulvi MD. ABDUS SHAHEED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he received any petition or petitions containing complaints against ill-treatment by a Sub-Deputy Magistrate, Dacca, meted out to the inhabitants of the village Ramnagar in police-station Raipura, district Dacca, in April last?

(*b*) If so, will the Hon'ble Minister be pleased to state whether any enquiry has been held as to the truth or otherwise of the alleged complaints made in the petition or petitions against the said Sub-Deputy Magistrate?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether any other action has been taken on the said petition or petitions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) Yes.

(*c*) Does not arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what was the result of the enquiry that was held in connection with the ill treatment made by the Sub-Deputy Magistrate to the inhabitants of village Raipura?

The Hon'ble Mr. A. K. FAZLUL HUQ: The result of the enquiry I certainly do not remember, but if it is wanted I will take this as a notice.

Nawabzada K. NASARULLAH: Will the Hon'ble Minister be pleased to state if on enquiry it was found that the allegations were true?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say one way or the other. I do not remember.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state who conducted the enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what are the allegations against that Sub-Deputy Collector?

The Hon'ble Mr. A. K. FAZLUL HUQ: These questions cannot certainly be answered unless time is given to me. These are questions of detail. I do not remember anything.

Nawabzada K. NASARULLAH: May I suggest, Sir, that the question be held over till the Hon'ble Minister is in a position to answer the question.

Mr. SPEAKER: You can put another question.

Khan Bahadur MOHAMMED ALI: Sir, I think it would be better if the question is held over, because the Hon'ble Minister does not remember anything—he does not remember the result of the enquiry and who conducted the enquiry.

Mr. SPEAKER: To-day is the 5th and we are sitting here till the 31st. You have enough time to put your question.

Khan Bahadur MOHAMMED ALI: Sir, already there are hundreds of questions pending.

Mr. SPEAKER: Whatever is in my power I will do.

Khan Bahadur MOHAMMED ALI: Thank you, Sir.

Communal Harmony Fund.

*105. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Publicity Department be pleased to state whether any amount has been spent out of the provision of one lakh of rupees for the promotion of communal harmony?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state in details on what items that has been spent?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No.

(*b*) Does not arise.

(*c*) Before any money could be spent, it was necessary to draw up detailed schemes acceptable to all communities concerned. On account of pre-occupations rendered inevitable by War conditions, Government could not devote sufficient time to the formulation of schemes or their consideration for acceptance. A short scheme has been drafted and is under consideration. It is hoped that action will be taken on this scheme before the expiry of the financial year.

Mr. MIRZA ABDUL HAFIZ: Does the Government consider the desirability of placing that scheme before the House for opinion before action is taken?

The Hon'ble Mr. A. K. FAZLUL HUQ: I answered that question the other day.

Dr. ABDUL MOTALEB MALIK: With reference to the last sentence in his answer and as the financial year is going to be over very shortly, in 25 days—I think the scheme is now ready—will the Hon'ble Minister be pleased to give us some light about the scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said, if I cannot put the scheme into operation it will lapse, but at the present moment I cannot throw more light.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state the nature of the scheme to be formulated?

Mr. SPEAKER: I think that question does not arise.

Mr. AHMED HOSAIN: How does the Government propose to ascertain the acceptibility of the scheme to all the communities?

Mr. SPEAKER: That question does not arise.

Khwaja Sir NAZIMUDDIN: How can the Government know that it is acceptable to all the communities concerned?

Mr. SPEAKER: "Acceptable to all communities" means acceptable in the opinion of the Government to all communities. The meaning is quite clear. Therefore, no question arises on that.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state whether in this matter he will consult the Bengal Provincial Muslim League which is the mouthpiece of the Muslims of Bengal and a more prominent body?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government will certainly adopt some means of ascertainment which will be acceptable to all communities.

Recommendations of State Medical Faculty of Bengal.

***106. Dr. ABDUL MOTALEB MALIK:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware of the recommendations of the State Medical Faculty of Bengal and the Bengal Council of Medical Registration, whose joint Deputation waited upon the Hon'ble Minister and pressed for the improvement of Licentiate Education in Bengal?

(*b*) If so, what steps have been taken to give effect to those recommendations.

MININSTER in charge of the DEPARTMENT of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Santosh Kumar Basu): The member is requested to refer to the reply given to his starred question No. 71 on the 26th February, 1943, on this subject. I need only add that a Committee of experts will shortly be constituted to go into the details of the joint recommendation of the Faculty and the Council in its various aspects.

Dr. ABDUL MOTALEB MALIK: With reference to the answer in the last sentence, will the Hon'ble Minister be pleased to state whether he has contemplated the nature of the constitution of the committee of experts?

The Hon'ble Mr. SANTONSH KUMAR BASU: Not yet.

Scheduled Caste member in the Selection Committee of Chittagong Medical School.

***107. Mr. JACAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there is any member from the Scheduled Castes in the Selection Committee of the Chittagong Medical School?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. SANTOSH KUMAR BASU: (*a*) Yes.

(*b*) Does not arise.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister please give the names of the members of the Scheduled Castes on the committee?

The Hon'ble Mr. SANTOSH KUMAR BASU: Yes, Babu Mahendra Lal Das.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state to which community of the Scheduled Castes does he belong?

The Hon'ble Mr. SANTOSH KUMAR BASU: He belongs to the Scheduled Castes.

Mr. SPEAKER: Next.

Babu MADHUSUDAN SARKAR: Sir, may I put one more question? Will the Hon'ble Minister——

Mr. SPEAKER: I am sorry. You were sitting all this time and did not ask any question. I waited for a long time and even then you did not rise. But when I had already called the next question, you rose to put a question. Therefore I disallow it.

Appointment of Assistant Engineers in the Communications and Works Department.

***108. Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state the number of (1) Muslim and (2) non-Muslims appointed as Assistant Engineers in the Buildings, Communications and Irrigation Department during 1941 up to the 30th September, 1942?

(*b*) Will the Hon'ble Minister be pleased to state whether the vacancies that have been filled up, were advertised in any newspapers?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of such papers?

(*d*) Will the Hon'ble Minister be pleased to state what other steps, if any, were taken to secure the communal ratio in filling up the vacancies?

MINISTER in charge of the DEPARTMENT of COMMUNICATIONS and WORKS (the Hon'ble Mr. Shamsuddin Ahmed):

Communications and Buildings Branch.

(*a*) Muslims 3 (2 permanent and 1 temporary) and non-Muslims 15 (1 permanent and 14 temporary).

(*b*) and (*d*) Vacancies filled on the recommendation of the Public Service Commission, Bengal, were advertised in newspapers. Temporary vacancies

for short periods in connection with war emergency work were not advertised. The Commission were asked several times to report the names of Muslim candidates for temporary appointments but no such candidate was available.

(*c*) In the former case, the vacancies were advertised by the Public Service Commission in the *Statesman*, the *Amrita Bazar Patrika*, the *Star of India*, the *Navajug*, the *Ananda Bazar Patrika*, the *Azad*, the *Hindusthan Standard*, the *Advance*, the *Al Huq* and the *Asr-e-Jadid*.

Irrigation Branch.

(*a*) Muslims 5 (4 permanent and 1 temporary) and non-Muslims 6 (4 permanent and 2 temporary).

(*b*) and (*c*) The vacancies were advertised by the Public Service Commission in the *Statesman*, the *Star of India*, the *Amrita Bazar Patrika*, the *Hindusthan Standard*, the *Weekly Krishak* and the *Navajug*.

(*d*) The shortage of one Muslim temporary Assistant Engineer was due to no suitable Muslim candidates being available. It was left unfilled then. The Public Service Commission have been requested to recommend candidates for this and other vacancies.

Khan Bahadur MOHAMMED ALI: With reference to answer (*b*) and (*d*) of the Communications and Buildings Branch, will the Hon'ble Minister be pleased to state how the Government would expect Muslim candidates to be recommended by the Public Service Commission in the absence of any advertisement asking for petitions?

The Hon'ble Mr. SHAMSUDDIN AHMED: It was not during my office. It was an emergent period; and therefore names were asked from the Public Service Commission, but the Public Service Commission did not give any name. It was for the Public Service Commission to advertise.

Babu MADHUSUDAN SARKAR: With reference to answer (*a*) will the Hon'ble Minister be pleased to state how many Scheduled Castes were appointed out of 15 non-Muslims?

The Hon'ble Mr. SHAMSUDDIN AHMED: I want notice.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that some candidates who have passed B.E. from Sibpore are loitering here and there for such services?

The Hon'ble Mr. SHAMSUDDIN AHMED: I might let my friend know that I had asked for as many Muslim candidates as available, but I am sorry I have not got any. I would like my friend to give me as many engineers and overseers as are available, and I can assure him that I will employ every one of them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of the Muslims appointed in permanent and temporary vacancies are Bengali Muslims and how many are non-Bengali Muslims?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say off-hand. Possibly all of them are Bengalis.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state if he is in a position to say whether any Scheduled Caste candidates were appointed in that year?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot guess just now: I take it as a notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether he would adjust the difference that has been mentioned in answer to question (*a*), provided sufficient number of Muslim engineers and overseers are available?

Mr. SPEAKER: That question does not arise. The Hon'ble Minister has already said that he will appoint as many engineers and as many overseers—Muslims,—as you could give him.

Khan Bahadur MOHAMMED ALI: With reference to answer (*d*) of the Irrigation portion, will the Hon'ble Minister be pleased to state if the appointment has since been made?

The Hon'ble Mr. SHAMSUDDIN AHMED: I have not got any candidate. Give me engineers and I will appoint them.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether in appointing Hindu or Muslim engineers he is sticking to the principle that they are Bengalees?

The Hon'ble Mr. SHAMSUDDIN AHMED: Certainly, as far as possible.

Rai Sahib ANUKUL CHANDRA DAS: Is it a fact that none of the Scheduled Caste applicants have been appointed either in the temporary or the permanent vacancies?

Mr. SPEAKER: Mr. Das, you must put a definite question and the Hon'ble Minister will answer it.

Rai Sahib ANUKUL CHANDRA DAS: All right Sir, I will ask a direct question. Will the Hon'ble Minister be pleased to state if any Scheduled Caste candidate has been appointed in a temporary or permanent capacity?

The Hon'ble Mr. SHAMSUDDIN AHMED: I have already told my friend that from the data I have here I cannot answer that question immediately. I am prepared to give the answer later. I take it as a notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, as he has already given a general assurance to Muslim candidates, he would be prepared to hold out a similar general assurance to Scheduled Caste candidates also?

The Hon'ble Mr. SHAMSUDDIN AHMED: Well, Sir, recently we advertised for overseers and assistant engineers. Muslim and Scheduled Caste engineers could not be had and the Department asked me for relaxation of the Communal Ratio Rules and I had to agree to the proposal on this condition that whenever Muslim and Scheduled Caste candidates would be available they would be given the appointments and that the present incumbents will be treated as on a temporary basis for that purpose.

Khan Bahadur Maulvi JALALUDDIN AHMED: In view of the assurance given by the Hon'ble Minister, will he be pleased to state how many temporary Muslim Assistant Engineers are awaiting permanent appointment and how many of such temporary engineers have been superseded by non-Muslim assistant engineers?

The Hon'ble Mr. SHAMSUDDIN AHMED: I want notice.

(After Starred Question No. 108A was called.)

Babu NAGENDRA NATH SEN: Sir, before this question is answered, may I draw your attention to the fact that the word "rebel" is not applicable to this case. I, therefore, ask you, Sir, on what authority Mr. David Hendry used the word "rebel". What is the standard of "rebellion"? I do not know, Sir, how your department passed this question with this objectionable word in it.

Mr. SPEAKER: Mr. Sen, I see you are taking exception to the word "rebel" in this question. It is an English expression and English is neither your mother tongue nor mine and therefore it is difficult to say whether any objection can be taken to the word "rebel". The word "rebel" in relation to the sense in which we use the expression "rebellion" may be objectionable, but this question was allowed at a time when I was not in office and I had no opportunity of scrutinizing it.

Dr. NALINAKSHA SANYAL: What would you have done, Sir, had you seen it before?

Mr. SPEAKER: I think on this question I am not here called upon to give any ruling or give any interpretation of the word "rebel". The question is there and the answer will be there: that is all.

Babu NAGENDRA NATH SEN: May I submit, Sir, that in view of the meaning which you have just been pleased to give to the expression "rebel", this question should be disallowed.

Mr. SPEAKER: The Hon'ble Minister in charge has agreed to give certain answers to this question and when this question has been allowed no question of disallowance of the question arises at this stage.

Babu ASHUTOSH LAHIRI: Can the word "murder" be used in respect of cases which have not been tried in a court of law and in which the persons concerned have not been convicted. It has been stated that a number of persons——

Mr. SPEAKER: Order, order. These questions can very well be asked in the shape of supplementary questions. Ask the Hon'ble Minister in charge by way of supplementary questions what he understood by "rebel" and what he understood by "murder", and he will answer them. It is no use asking me these questions.

Incidents in Midnapore district.

*108A. **Mr. DAVID HENDRY:** Will the Hon'ble Minister-in-charge of the Home Department be pleased to lay on the table a statement showing—

(1) from the commencement of the disturbances to 16th October, 1942, and

(2) from the 16th October, 1942, to date, in the district of Midnapore:—

(*i*) the number of—

(*a*) Government servants, and

(*b*) non-officials kidnapped by the rebel elements;

(*ii*) the number of persons murdered by the rebel elements;

(*iii*) the number of Government buildings, houses and other property burnt by the rebel elements;

(*iv*) the number of cases of intimidation and extortion by the rebel elements; and

(*v*) the number of persons assaulted or intimidated by the rebel elements on the grounds that they were supporting the Government forces?

The Hon'ble Mr. A. K. FAZLUL HUQ: Approximate figures as up to about 8th February, 1943, readily available are given below:—

(1) to 16th October, 1942—		*(2) from 16th October, 1942—*	
(*i*) (*a*)	8.	(*i*) (*a*)	5.
(*b*)	1.	(*b*)	35.
(*ii*)	Nil.	(*ii*)	*2.
(*iii*) †(*1*) *Government buildings and houses—* Thana Buildings—3, Officers' quarters at 2 thanas; other Government buildings—26.		(*iii*) †(*1*) *Government buildings and houses—3.*	
Other Government property— Records of 11 post offices, 1 D. S. B. office, 3 thanas and 3 other offices burnt, uniforms of many chaukidars and dafadars burnt.		*Other Government property—* Records of 1 U. B. office and 1 Excise boat burnt.	

*Excluding 8 persons who were kidnapped and still untraced and believed to be murdered.
†Excluding property destroyed otherwise than by burning.

	(2) *Private buildings and houses*—13 and a bazar.	(2) *Private buildings and houses*—8.
	Other private property—A kerosine oil tank, school furniture and records, a motor bus, two boats full of kerosine oil, boats loaded with essential commodities and 3 wooden bridges, burnt.	*Other private property*—Clothes, paddy, household articles of 1 person burnt.
(*iv*)	5.	(*iv*) 50.
(*v*)	7.	(*v*) 23.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government declared that Midnapore was in a state of rebellion in those days?

The Hon'ble Mr. A. K. FAZLUL HUQ: Does that question arise, Sir?

Mr. SPEAKER: Yes, that question does arise, in view of the fact that the word "rebel" has been used.

The Hon'ble Mr. A. K. FAZLUL HUQ: No public declaration was made that a state of rebellion exists and I am not responsible for the use of the expression "rebel" in the question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, item by item, against each of these queries how these answers compare with corresponding losses to the citizens by way of persons killed by the Government agencies, buildings burnt or looted through the agency of Government servants and their interference, cases of intimidation and extortion by Government agencies and the number of persons assaulted or intimidated by Government police or military agencies and the loss of property involved as a result of Government action. We want a picture side by side.

Mr. SPEAKER: Dr. Sanyal, I am in full sympathy with your question, but I regret that you are trying to bring an altogether different matter into the present question. You are asking for a comparative view of the atrocities, if I may use that expression, committed by the Police and other officers on the one side and the activities of "rebel" elements as alleged in the question. That is an altogether different question. I am sorry I cannot allow it.

Mr. KIRAN SANKAR ROY: Mr. Speaker, will the question be held over in that event till the Hon'ble Minister in charge is prepared to reply to the supplementary question put by Dr. Sanyal, so that we can have the full picture?

Mr. A. F. STARK: On a point of order. May I say something on this? It seems to me that the other side of the case has already been very ably put by Dr. Sanyal before this House. The activities of the Police

have been described by Dr. Sanyal in this House. This question puts something of the other side of the picture, and no question should arise against that.

Mr. SPEAKER: That is not a point of order, Mr. Stark.

I think the Hon'ble the Chief Minister will kindly answer the question put by Mr. Roy.

The Hon'ble Mr. A. K. FAZLUL HUQ: In order to answer Dr. Sanyal's question there should be a thorough investigation into what has happened in the matter of the allegations that have been made against the officers at Midnapore. As the House will remember, this very question was brought up in this Assembly a few days ago, and the question requires an enquiry which we have said is desirable to make. Unless a thorough enquiry is made, it is impossible to get the facts on the other side, and it is therefore impossible for me at the present moment to answer the question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to these answers, whether they have been given as a result of any enquiry held by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the answers on this paper are concerned, they are from Government reports which are in the possession of Government and the figures have been compiled from those reports.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the position of the assurance given to have the entire thing properly investigated through an independent Tribunal.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I can only express the hope that in the very near future we will be able to make an announcement which will show that we propose to implement the assurance that had been given in the House.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to the answers given, whether these cases of so-called murders, arson——

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not finished my answer yet. I was going to add that the military authorities are involved and we got into communication with them; things are proceeding very satisfactorily, and as a matter of fact we hope to be able to announce something in the very near future.

Babu NAGENDRA NATH SEN: With reference to the answers regarding the alleged cases of murder, arson, intimidation and extortion, will the Hon'ble Minister be pleased to state whether there was any case instituted in the ordinary law courts up till now?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Babu ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to state whether the facts supplied in regard to this question have been

furnished by the Government officials of the District against whom there have been allegations of murder, of burning, and of looting houses?

Mr. SPEAKER: That question does not arise out of the present question.

Srijut NARENDRA NATH DAS GUPTA: It arises because the Hon'ble the Chief Minister himself admitted that this information has been supplied by the Government officials of the district, and out of that question the question of Mr. Lahiri does really arise.

Mr. SPEAKER: You can at the most put it in this way: whether the reports disclose anything.

Babu ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to say if any steps have been taken to check the veracity or correctness of these reports supplied by the Government officials of the district?

Mr. SPEAKER: I think that your question is that in view of the fact that allegations against these officers have been made, whether this answer is based on verification of the reports by the Ministry.

Babu ASHUTOSH LAHIRI: That is my question, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: All this information has come from various sources, and it is not correct that allegations have been made against all officers of Midnapore, high and low. The papers from which these figures have been collected are papers which have reached Government from time to time with regard to the condition of affairs in Midnapore, and the papers in the possession of Government are sufficient to give the figures which were wanted.

Dr. GOBINDA CHANDRA BHAWMIK: Will the Hon'ble Minister be pleased to state under what circumstances the Government servants were kidnapped?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I want notice on that question.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether Government have got any reports regarding loss of property and loss of life by the inhabitants of Midnapore, or they are too numerous and Government have not maintained any record?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice, but I can answer this much that the reports do contain some information as regards injuries caused to private individuals.

Dr. GOBINDA CHANDRA BHAWMIK: Will the Hon'ble Minister be pleased to state who were the persons murdered and under what circumstances?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to give particulars of property destroyed otherwise than by burning?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice. It is going into details.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state what form the intimidation and extortion by rebel elements took?

The Hon'ble Mr. A. K. FAZLUL HUQ: That would be going into details. I cannot answer it off-hand. I must have notice.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether murder and arson followed the murder and arson committed by Government agencies?

The Hon'ble Mr. A. K. FAZLUL HUQ: How can that question arise out of the answer?

Srijut NARENDRA NATH DAS GUPTA: I think the question is in order.

Mr. SPEAKER: It is clear that he is not inclined to answer you.

Mr. TAMIZUDDIN KHAN: The question and the answer relate to the entire district of Midnapore. Can the Hon'ble Minister state how many of these cases occurred in the cyclone affected areas?

The Hon'ble Mr. A. K. FAZLUL HUQ: I could not say off-hand. If the information is wanted I must have sufficient notice.

Mr. JOGESH CHANDRA GUPTA: Arising out of the answer given by the Chief Minister that the situation has improved because military authorities have been communicated with, will the Hon'ble Minister be pleased to state whether the policy of raiding a whole village for the fault of some villagers has been given up?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, what I meant was with reference to the special expression of opinion made, namely, that in the opinion of the Ministry an enquiry is desirable. We have been in touch with the military as well as other authorities and it is quite possible that in the near future we will be able to make a statement. That is what I said. I never said anything else.

Mr. A. F. STARK: In view of the Hon'ble Minister's replies, will he state whether Government will hold over any enquiry until order has been completely restored in the district?

Mr. SPEAKER: I do not think that the question arises out of the main question. (Dr. NALINAKSHA SANYAL: It is a request for action.) Not only that, but it does not arise.

Babu NAGENDRA NATH SEN: In view of the expression of opinion as evinced by the members of this House, is Mr. Stark in order to use the word "rebel"? If not, he must apologise to the House.

Mr. SPEAKER: That question does not arise.

Date for held over questions and Food Debate.

Mr. SPEAKER: Before we pass on to the next item in the agenda today, I think the House will desire to learn that the held over questions to be answered by the Hon'ble Nawab Bahadur of Dacca will be taken up from next Monday. Ten questions will be taken up daily after the other ordinary questions, and I think in two or three days' time all the questions to be answered by him will be finished.

Dr. ABDUL MOTALEB MALIK: Sir, it was decided by the Deputy Speaker that all the held over questions would appear in one list.

Mr. SPEAKER: I understand that the list is very heavy and they cannot be finished in one day. That is why it was decided to take ten questions daily.

Mr. J. N. GUPTA: Sir, I tabled a short-notice question on the 16th February, but up till now I have not received any reply. May I know when I can expect a reply from the Hon'ble Minister?

Mr. SPEAKER: Mr. Gupta, I shall be obliged if you will kindly see me in my chamber.

Khan Bahadur MOHAMMED ALI: Sir, instead of taking up the held over questions on Monday I suggest that they may be taken up on Tuesday. I am making this request on behalf of our party.

Mr. SPEAKER: If the House so desire, certainly we can possibly have no objection to taking up these questions on Tuesday instead of on Monday.

Dr. NALINAKSHA SANYAL: Sir, what is the use of postponing?

Mr. SPEAKER: Khan Bahadur Mohammed Ali suggested it.

Dr. NALINAKSHA SANYAL: But I do not agree with the Khan Bahadur.

Mr. JOGESH CHANDRA GUPTA: Sir, it appears that the temperature in the House is kept very low. The difference between the temperature in the House and outside is appreciable. (Laughter.)

Mr. SPEAKER: Necessary instructions have been issued.

Now let me know what is the opinion of the House as to when the held over questions should be taken up.

Nawabzada K. NASARULLAH: We can take them up from Tuesday or Wednesday.

Mr. SPEAKER: Wednesday, I understand, is a closed day and it may be that Tuesday also is a closed day.

Dr. NALINAKSHA SANYAL: I submit, Sir, that Tuesday has already been allotted for food debate and it will be extremely unfair to the House and extremely unjust to the members to have any further adjournment of the food debate. I do not see any reason why Tuesday should be a holiday

and I cannot find any day suitable for the food debate. On the previous occasion, *i.e.*, on 26th February, a definite assurance was given that we will take up the food debate on the 9th March. You remember, Sir, that on the last occasion, *i.e.*, on the 26th February——

Mr. SPEAKER: I do not remember.

Dr. NALINAKSHA SANYAL: You were in the House.

Mr. SPEAKER: I might have been in the House.

Dr. NALINAKSHA SANYAL: Well, Sir, on that occasion a distinct assurance was given that on the 9th we will take up this debate. At that time Mr. Stark asked if Government would come forward with any amendment and it was decided that if they have any, they should come forward with it by the 5th. If Government do not propose to have any amendment, —up till now they have not placed any—I submit, Sir, that no further time for tabling an amendment should be allowed after the 5th. That was also made clear. So, Sir, in view of this situation, I submit that there should be no further postponement of the food debate particularly because, as I have already made it clear, even after that date things are happening quickly and fast in the Civil Supply Directorate even without the knowledge of the Chief Minister which may render all our discussions infructuous. I have heard that three persons have been appointed—two on Rs. 2,000 each and another on Rs. 2,500—for some time on the 19th February.

Mr. SPEAKER: Order, order. I think, Dr. Sanyal, you need not go into details at this stage with regard to this matter. You have made your position very clear and you have put it so forcefully that I think no other member would have been able to do.

Mr. TULSI CHANDRA GOSWAMI: Is there any special reason why 9th should be a holiday?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Mr. TULSI CHANDRA GOSWAMI: Then why are you going to get 9th a holiday? We do not want any holiday.

Mr. SPEAKER: I understand that 9th will not be a holiday.

Dr. NALINAKSHA SANYAL: That is all right.

Mr. SPEAKER: Let us decide now when we shall take up the held over questions.

Nawabzada K. NASARULLA: We suggest, Sir, they may be taken up on Tuesday.

Mr. I. D. JALAN: Sir, most of the questions will be relevant to the discussion of the food debate which will come up on the 9th. So, Sir, so far as these questions are concerned, I think they should be taken up on Monday, i.e., before the 9th.

Mr. SPEAKER: There is a difference of opinion between two groups in the House.

Dr. NALINAKSHA SANYAL: Both myself and Mr. Jalan feel that these questions should be taken up on Monday and as most of the questions relate to our party we feel that we must have those questions answered before the food debate is taken up.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Most of the questions have been answered, but unfortunately I was ill.

Dr. NALINAKSHA SANYAL: The questions were not answered in the House.

Khwaja Sir NAZIMUDDIN: Sir, the important point is that we want to have a definite assurance from Government that on the 9th they are going to take up the food question and voting will take place on that day. My reason for asking for this assurance is that Government were supposed to give notice of an amendment. It was clearly understood that this notice would be given before this debate takes place by the 5th, i.e., today, but that has not come. We suspect that we shall be told that they will not be ready on the 9th and so we will not have the food debate on the 9th. We want a definite assurance from Government because it is an important debate. Our members would like to be here if the debate takes place on that day; and if it does not take place on that day they would like to go out of Calcutta. Therefore, Sir, I want to know definitely whether the food debate is going to take place on the 9th or not.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, my short answer is that we very much like to have the debate on the 9th and I hope everybody will agree.

Khwaja Sir NAZIMUDDIN: Sir, the point is this. I can quite understand the Chief Minister replying that he would very much like to have a debate. Sir, we would like to know whether their amendment is coming forward or not because at the last minute they may come up with an amendment.

Dr. NALINAKSHA SANYAL: No more amendment will be acceptable.

Khwaja Sir NAZIMUDDIN: Government have given no indication of what they are going to do. This question was discussed in the House and on behalf of Government it was put forward definitely that they were going to move an amendment and on that plea the voting was postponed on that day and it was suggested that they would come forward with an amendment which would give us some materials to debate upon. They have not done it and the Minister in charge is silent and the Hon'ble Chief Minister says "We very much like to have a debate". Are they going to move an amendment?

Dr. NALINAKSHA SANYAL: Sir, may I submit with all respect to the Leader of the Muslim League Party that there is no scope for any further amendment of Government at all. Sir, there was a definite ruling by your predecessor that the amendment must be in accordance with the

Rules and the Rules provide for a certain number of days and the Speaker will not waive the Rules to permit Government to submit an amendment at a date later than the 5th. That was definitely the ruling and if you are pleased to overrule that ruling given by your predecessor, it would not be fair to him and to the House. I submit that Government have failed to submit any amendment so far and therefore Government are completely debarred from putting any more amendment. As Government have failed to submit any amendment, we presume that they have no intention to do it.

Mr. SPEAKER: I have not studied this question personally nor did I know all these things. In all probability, I was not present in the House when this assurance was given or when this matter was discussed. I take it that some assurance was definitely given by the Ministry as to the discussion of the food problem in this House. I now understand, as stated by the Chief Minister, that he sticks to the date specifically fixed for the discussion of that subject, but I do not know what the exact terms of the assurance were with regard to putting in of an amendment or some resolution or what it was I do not exactly know. I should like to know it from the Hon'ble Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as I have said more than once, I hold the view that no question of any amendment arises with regard to this discussion. The discussion was initiated by a brief statement by the Chief Whip of the Government that the situation in relation to civil supplies be considered. Upon that statement, speeches were delivered and discussions followed which lasted several days. Government have been extremely anxious to give the fullest scope to all sections of the House representing different shades of public opinion to discuss the situation and suggest remedies and to make constructive proposals. From that point of view, I submit there is no question of amendment. Further, one or two resolutions which have been tabled amount to a censure of the Ministry in not doing certain things. I submit, Sir, there can be no amendment to that because that would amount to a resolution suggesting a negative vote.

Sir, what I submit is that on the 9th a statement will be made by Government regarding the position which they take with regard to the situation, the measures that have been taken so far and the measures which Government propose to take in the future. Sir, if necessary, the House may discuss that statement on the 9th and if further discussion is necessary, some other date will be fixed, but so far as amendments are concerned, we do not propose to bring up any resolution at the present stage before the statement of the Hon'ble Minister is made.

Sir, the reason for this delay has been the unfortunate absence of the Hon'ble Nawab Bahadur from this House, otherwise the statement would have been made much earlier. On the 9th, however, we hope that the statement will satisfy the House as to what has been done, but if the House feel that further measures should be taken or that further light should be thrown on the position, Government will not object to discussions being carried over to future dates. Sir, that is the position. So far as the 9th is concerned, we definitely stand by the promise that has been made that that day will be set apart for the discussion of the food problem.

Mr. I. D. JALAN: Sir, is it possible for the Hon'ble Minister to circulate his statement earlier so that members may have time to consider it and there may be an effective discussion on the food problem on the 9th?

The Hon'ble Mr. A. K. FAZLUL HUQ: The only other date available is the 8th.

Mr. SPEAKER: Mr. Jalan wants to know whether the Hon'ble Minister-in-charge is in a position to circulate the statement earlier.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the 8th is the only date available. We will consider whether the Hon'ble Minister-in-charge can do that on the 8th which is the only date available. We will try to do it.

Dr. NALINAKSHA SANYAL: In the meantime, will the Hon'ble Minister please continue the assurance that no new step will be taken in the Civil Supplies Directorate before the House has an opportunity to express its opinion thereon?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I never made a statement of that character in the House.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister-in-charge was always conveniently absent. The point is that the Hon'ble Chief Minister gave an assurance and I believe the Chief Minister is competent to give an assurance on behalf of Government. I directed my question to the Chief Minister. The Minister-in-charge is always found very easily amenable to certain things, and when he is cornered, he slips out.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I object to it. It is a filthy way of saying things.

Dr. NALINAKSHA SANYAL: Sir, I have directed my question to the Hon'ble Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: I will ask the Hon'ble Minister-in-charge to convey the wishes of the House in that respect to the officers of the Civil Supplies Directorate.

Dr. NALINAKSHA SANYAL: Issue the necessary orders.

The Hon'ble Mr. A. K. FAZLUL HUQ: We will see to it.

Mr. A. F. STARK: Sir, may I ask what the procedure will be on the 9th? Will the Hon'ble Chief Minister begin by making a statement or the Minister in charge of Commerce and Labour will begin by making a statement and how long will discussion continue and when will amendments be put to vote? May we know what is the idea? Will we go on discussing——

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I point out that I want to make a statement as to the working of the department? I must also have an opportunity to reply to the debate and the criticisms made in the House.

Mr. SPEAKER: I think the Nawab Bahadur intends to say that he will make a statement first, then there will be a debate on that statement and then he will reply.

Dr. NALINAKSHA SANYAL: I do not think the Rules permit that.

Khwaja Sir NAZIMUDDIN: The Rules permit that.

Dr. NALINAKSHA SANYAL: I do not think so

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Non-official Members' Resolution.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, the resolution which stands in my name runs thus:—

"This Assembly is of opinion that collective fines should not be imposed in those areas where the offenders have been or can be traced and where it has not been established by evidence that the inhabitants in general have been harbouring the alleged offenders."

Sir, this resolution may appear as a belated prescription in view of the fact that the patient has been suffering for a long time, and because the resolution even if it is passed will not be able to prevent that suffering which has already been gone through. Sir, the resolution, if analysed, will show that there is no intention in this resolution either to secure any mercy for any offender or offenders or even for those who will harbour those offenders. Collective fines are imposed not as a measure to punish the actual wrong-doers but others who are supposed to be concerned in their wrong-doing. If we turn to the Collective Fines Ordinance, we shall see from the very scope of it that it is intended to punish persons other than the actual offenders. The Collective Fines Ordinance (Ordinance No. XX of 1942) was first promulgated on the 13th May, 1942. It is a very short measure. It is constituted only of three sections. The first section gives the short title, extent and commencement of the Ordinance. The second gives the interpretation. It says what "District Magistrate" and "Provincial Government" will mean. It interprets "District Magistrate" as meaning and including the Commissioner of Police, Calcutta, and it interprets "Provincial Government" as meaning and including any Chief Commissioner in relation to his Province.

Then comes the third section, the substantial provision, which creates offences, which prescribes the conditions and circumstances under which collective fines will be imposed and also the authority that will impose the collective fine. We have got to consider this section very carefully. Subsection (*1*) of this section runs thus: "If it appears to the Provincial Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of British India or the efficient prosecution of war, or are harbouring persons concerned in the commission of such offences, or are failing to render all the

assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the Provincial Government may, by notification in the official gazette, impose a collective fine on the inhabitants of that area."

The Hon'ble Mr. A. K. FAZLUL HUQ: It has been amended.

Rai HARENDRA NATH CHAUDHURI: I am coming to that. I am not oblivious of it. Sub-section (*3*) of section 3 says that "the District Magistrate, after such enquiries as may be necessary, shall apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants." There are other sub-sections of and an explanation added to that section which are not relevant for my purpose, and I will not, therefore, quote them. It is clear from what has been quoted from the Ordinance that originally the authority to impose collective fines was the Provincial Government and the District Magistrate came into the picture only as the apportioner of such fines. In my opinion, therefore, there were some safeguards implicit in section 3 of the Ordinance. The safeguards, in my opinion, were that it must appear to the Provincial Government that the inhabitants of an area, etc., etc., and that the Provincial Government may by notification in the official gazette impose the collective fine on the inhabitants. Sir, as the Provincial Government is not tantamount to local officials it may well be presumed that in cases of imposition of collective fines, the Provincial Government in using its discretion will require the local officials to report and on a consideration of their report and the materials submitted by them if the Provincial Government consider the materials and the evidence quite sufficient for purposes of imposing collective fines then the Provincial Government will impose such fines. That safeguard was implicit in section 3 of the Collective Fines Ordinance. But, Sir, unfortunately towards the middle of September that safeguard was taken away by an amendment of the original Ordinance by Ordinance XLIX of 1942. That Ordinance of the 12th September, 1942, amended section 3 of the original Ordinance and it added a sub-section to section 3(*1*), viz., sub-section 1(A). This new sub-section runs as follows:—"An officer empowered in this behalf by the Provincial Government, by a general or special order, may exercise the power conferred by sub-section (*1*) on the Provincial Government" and therefore it is this amended Ordinance that permits the local officials to impose fines. Before this amendment, it was the Provincial Government and the Provincial Government alone who had the power to impose collective fines. It was only after this amendment that the local officials were authorised to impose collective fines. Therefore, the position comes to this. After September, the local officials are to judge the situation, to impose collective fines and then to distribute and apportion the collective fines, i.e., they are the authorities to decide and impose fines as well as to distribute or apportion the fines. Sir, by this amendment therefore, I hold, all the safeguards of the original Ordinance have been taken away. The Government of the Province does not come into the picture at all. Now, Sir, if such is the

case then it is absolutely necessary to lay down conditions, to define the circumstances, in which collective fines should or should not be imposed.

Sir, it is necessary for two reasons. In the first place, it is the ultimate responsibility of the Government to impose collective fines, they have to delegate their authority, and if the responsibility is theirs, they in delegating their authority ought to lay down the conditions under which the collective fines should be imposed, at any rate, for the guidance of the local officials. Then there is another and a more cogent reason. A subsequent amendment has also been made to this Ordinance, and by this recent Ordinance the local officials have all been exonerated from liability in the matter of imposition of collective fines. Even if they make mistakes, commit grave errors of judgment and acts of indiscretion, they will not be liable for such mistakes and indiscretion. This later Ordinance has exonerated them altogether. If so, the necessity for laying down the condition and the circumstances under which the local officials will act in the matter of the imposition of collective fines is all the greater. My resolution proposes simply to lay down that condition.

Sir, my resolution says that collective fines should not be imposed in those areas where the offenders have been or can be traced, i.e., where the ends of justice have been met or can be achieved, and where it has not been established by evidence that the inhabitants in general have been harbouring any offenders. Sir, in imposing collective fines the authority imposing collective fines will have to find out the reasons, will have to collect evidence, if it has any thought or care for the innocents, which will connect people other than the offenders with the offences. If that be the case, I propose that collection of evidence should be taken up in the first instance and that should be sufficient, substantial, for the purpose of imposing such a thing as a collective fine on a mass or a wholesale scale on persons who are guilty or may not be guilty at all, in fact, may be innocent altogether.

Now, Sir, it may be doubted that I propose to limit the scope of section 3 of the Ordinance by my resolution. I do not think I have done so in framing it. At any rate, I believe I have not done so, because section 3 says, "If it appears to the Provincial Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of British India" Etcetra. Now, all the offences contemplated are offences under the Indian Penal Code or under the emergency laws, such as the Defence of India Act and other Ordinances. In using the word "offenders" I have taken into account all the offences that are contemplated in section 3. I have already said that I do not ask for any mercy for any class of offenders, but when on the score of sabotage, incendiarism or such other acts committed by certain persons you are going to punish the generality of the people in the area, certainly you have got to connect them with the offences. In that case, how can you connect them? You can connect them only if they are abettors. If they are abettors, they come under the definition of "abetment" in the Indian Penal Code and surely they are punishable as such. My resolution contemplates even the guilt and liability of those who harbour persons connected with the

commission of offences. In my resolution I have not asked for mercy even for them. But when you are going to enlarge the incidence of the collective fines, when you are going to rope in all classes of persons, both guilty as well as innocent, as the exemption clause indicates, then certainly something more is necessary to justify the action. I, therefore, suggest that the imposition of collective fines should start with an enquiry, so that innocent persons may not be unnecessarily dragged in or victimised. That is my proposition, and now when the authority to impose collective fines has been delegated to local officials, when the Provincial Government have washed their hands clean of the matter, it is all the more necessary that there should be a preliminary enquiry and leading to the collection of evidence and materials warranting the imposition of collective fines. Take, for instance, a case where the Government may themselves think it necessary to enquire whether there was any occasion, or necessity for the imposition of a collective fine. How can the Government do so and undo the mischievous order if there be no evidence for them to examine; and unless there is evidence in support of the imposition of collective fines how are the Government going to check the action of the local officials? How are they going to administer relief even if in the opinion of the Government relief is due or necessary? Sir, I therefore propose that my resolution should be accepted.

Sir, it should not be thought by any one of us that we have seen the last of the collective fines imposed. Far from it. Those who have read the present budget have seen that not less than three lakhs of rupees have been estimated under the head "Extraordinary Receipts" in the matter of collective fines. Government anticipate that this sum will be collected next year under the head "collective fines". Let us not run away with the idea, therefore, that we have seen the very last of the collective fines imposed. My resolution, therefore, has only one and one object in view, viz., the prevention of misapplication or abuse of the Collective Fines Ordinance. I think, if my resolution be accepted by the Government, it will enable them to enquire into such orders as have been wrongly passed and to give relief where relief in their opinion may be necessary.

With these words, Sir, I move my resolution.

Dr. NALINAKSHA SANYAL: Sir, I rise to support the resolution moved by my esteemed friend Rai Harendra Nath Chaudhuri. In fact, we are grateful to him for having provided us with an opportunity of expressing ourselves on an important issue of this character which is agitating the minds of our countrymen for some time past. Rai Harendra Nath Chaudhuri has detailed the legal position of the Collective Fines Ordinance and the amendments thereto. I will not trouble the House with a repetition of those points. I would like to invite the attention of this House and of Government to the manner in which after taking powers under this Ordinance, the Executive Government is indulging in outrageous abuses of power.

Sir, the first case that I would like to invite your attention to is the case of Beldanga in which a certain number of young men, mostly school boys,

one day during midday came out of the school and through their youthful exuberance had certain processions in the streets. Thereafter some miscreants damaged just a little of the local post office and certain papers of the railway station. Immediately the entire engine of oppression of Government was set into operation. The Police found on preliminary report that in that demonstration took part not merely Hindu boys but Muslim boys also. And, Sir, they at first reported that the mischief was not of such a character as required any drastic action, but, Sir, the powers that be would not be satisfied. Sir, after some amount of mockery of enquiry in which local people, particularly the respectable citizens of the place were excluded, a collective fine was imposed on all sections alike of certain parts of Beldanga. A sum of Rs. 5,000 was to be realised from certain parts of Beldanga and an adjoining small village. Representations were made thereafter by both the Hindu residents as well as the Muslim residents of the place separately as well as collectively to the District Magistrate as also to the Hon'ble the Chief Minister urging the withdrawal of this imposition and in those representations complete assurances were also held out of maintaining peaceful atmosphere in the place in future. Something happened thereafter in Writers' Buildings to which I would not like to make a reference lest some of my esteemed friends of the other community may feel hurt, but, Sir, contrary to assurances given on the floor of the House by the Hon'ble Minister in charge that it is only on the recommendations of the District Magistrates that these collective fines were imposed, and it is only on the recommendations of such District Officers that exemptions were given, we found that a differential scale of realisations was imposed. The Hindus were liable to pay double the assessments that were made for the Muslims and, Sir, the total amount payable out of Rs. 5,000 was so assessed that Rs. 4,800 were to be paid by the Hindus and only Rs. 200 were to be paid by the Muslims. There was no representation from the bulk of the Muslim community of that place, because, for some time past, the Hindus and the Muslims of that area have been living peacefully and the communal situation in the place which was disturbed some time ago is or has been normal now. But, Sir, through the wisdom of some honourable members who thought so much of their own community that they felt hurt that even a paltry sum of Rs. 200 out of a total of Rs. 5,000 would be realised from them, they raised a hue and cry and Government, against the opinion of the local officials, exempted the Muslims and maintained the collective fine on the Hindus only. I did not for a moment want to drag this communal issue in the picture at all, but I feel that although our Muslim brethren of Beldanga were prepared to share and although the Hindus who were prepared to pay Rs. 4,800 had held out the promise that in case there was no attempt made to have a communal cleavage between the Hindus and the Muslims there, those Hindus would pay even the balance of Rs. 200 which was imposed upon their Muslim co-villagers, even then the policy that Government wanted to pursue was pursued and communal difference was made and the Hindus continued to have the imposition on them, Muslims being exempted. Sir, thereafter communal feelings were high for some time. Some of us who come from

that area had to take immense trouble to maintain the situation calm and peaceful in the place, because there was a genuine feeling of suppression or oppression entertained by a large section of the Hindus of that area.

But, this is not the end of the story. The Hindus went to represent against the nature of the assessment. There were Government servants included, even the railway servants were also included at first in the collective fine to be realised——.

Maulvi ABU HOSSAIN SARKER: A certain Police Sub-Inspector was in the list.

Dr. NALINAKSHA SANYAL: Yes; one retired Police Sub-Inspector was also in the list.

After the representation was made certain number of persons were given exemption at a very late stage and what was surprising was that in some cases, particularly in the case of exemption of the Muslims although the policy of Government so far as we are given to understand was to see that the money exempted may not be realised from others, in these cases although exemptions were granted, others had to pay the balance left out of Rs. 5,000. This is one part of the story. That was at a stage when Government took the responsibility direct from the headquarters to impose collective fines and to order exemptions of the same.

Then, Sir, thereafter something happened which takes our breath away. In spite of repeated pressure from public regarding this question, Government suddenly empowered the local officials to deal with the question of collective fines themselves, even without reference to Govrnment, if they liked. And what was the result? In November, another collective fine was imposed on the villagers of the same village Beldanga and that was under the orders of the District Magistrate. Sir, in this case it appears that it is not a case of collective fine, but a case of what they wanted to call "selective fine." Eighteen picked persons, all Hindus, were picked out and a list was hung up notifying that these people will have to pay Rs. 2,000 as collective fine. Nowhere in the Ordinance or even in the subsequent amendments thereto, it appears that Government or the officials empowered by Government have been given such power as to impose selective fines under the name of collective fines. Sir, these 18 persons, I mean most of them, also had to pay the previous fine of Rs. 5,000 and what was the occasion for it? The occasion was that a Muslim contractor of a certain evacuees' relief camp was in charge of the construction of the house also and was supplied with two chaukidars to protect the same which was burnt. Some men were found running away from the building when the shed was just noticed to be burning. Sir, that contractor probably thought that he would again secure the contract and get money for it. The obvious conclusion would be to find out whether he was implicated in this arson or not, and whether there was anything to show that this was a place far from the habitation of the Hindu residents of the area. But again, Sir, I do not want to bring in communal issues in that picture at all. This is a case, as I understand, of an interested contractor completely allowing the building or the shed

to be burnt, so that he may get some money out of it again; and even then no investigation was made, no enquiry was started, nobody asked the other community as to what they suspected regarding this incident, and one fine day a notification was first made by beat of drum that Rs. 1,000 will be realised from the Hindus and Muslims alike, if by a certain date, the names of the culprits were not forthcoming. After that date, however, another order was sent by the District Magistrate and that was communicated by the Subdivisional Officer of Berhampore stating merely: "I send herewith a list of assessees of collective fines of an additional sum of Rs. 2,000 imposed on the inhabitants of mauza Beldanga." The Subdivisional Officer sent this note. There is no mention of the order of the Magistrate, no mention as to how the Magistrate has imposed the collective fine and whether there has been any exemption of the other community as a whole or of other Hindu residents of the place as a whole. Some selected persons have been required to pay, and out of this Rs. 2,000, only one person, Kshitish Chandra Ghosh, a zamindar and merchant of the place, of reputation and also a member of the Evacuees' Relief Committee and Secretary of the School Committee and of many other public institutions of the place has been required to pay Rs. 1,000. He has made representation not merely to the Magistrate but also to the Chief Secretary to the Government of Bengal, and I have got a copy of this representation with me which I propose to hand over to the Chief Minister after the debate is finished. This representation of Mr. Ghosh was sent as long ago as 12th February, 1943, and no reply has been received by him as yet. In this case, Sir, what we find is that not only there has been a gross mismanagement of the imposition itself but also in the assessment little consideration was given to justice and fair play.

(At this stage the blue light was lit.)

Sir, I will require another 15 minutes to finish my speech.

Mr. SPEAKER: I am sorry, Dr. Sanyal. There is a large number of speakers, not less than ten. Of course I am always prepared to accommodate you because you sometimes entertain us very much. But in this particular case as there are so many speakers, it is only fair that they should also be allowed to speak.

Dr. NALINAKSHA SANYAL: Sir, I shall try to finish as quickly as possible.

Now, Sir, in this particular case another interesting thing to note is this, that of the eighteen persons so assessed there is one man named who is dead and gone three or fours years ago. That is the kind of information on the basis of which the Government proceeds to impose collective fines under the Collective Fines Ordinance. One, No. 17, Charupada Gonai, is dead and gone four years ago. I want to know under what authority or evidence this person was found to be coming within the mischief of the Collective Fines Ordinance, particularly the man who is dead and gone. That is the kind of evidence on which collective fines are imposed. I leave it to the Hon'ble Minister-in-charge and to the House to judge how much scrutiny is exercised over such matters.

Sir, the next case I would like to deal with is another selective fine imposed on 26 persons specifically named—residents of Jiaganj and Azimganj. The other day I placed before the House a case of abuse of the Ordinance II of 1942.

(At this stage the red light was lit.)

Mr. SPEAKER: Dr. Sanyal, your time is up.

Dr. NALINAKSHA SANYAL: Sir, please give me another ten minutes at least.

Mr. SPEAKER: I am prepared to give you more time but the result will be that the motion will stand over till after the 1st April. I can, however, give you two minutes to finish.

Dr. NALINAKSHA SANYAL: Sir, please give me at least five minutes more.

Mr. SPEAKER: All right.

Dr. NALINAKSHA SANYAL: Sir, the second case is that of some of those very persons who were implicated by the police—the designing police—of Jiaganj in that rice looting case which was referred to in connection with the debate on the Ordinance No. II of 1942. These persons have again been subjected to collective fine or selective fine, and I find in the list, Sir, after careful scrutiny, not only some of the accused persons beginning from Kumar Singh Chajore who was the main target of the local police but even a cartman who refused to give evidence, a goala from whom the thana officer wanted to get milk without payment, have been made victims. In this case I find that from 500 rupees to a small sum of 5 rupees—various amounts were imposed and in some of these certain persons were involved who get not even two meals a day. Sir, this is the manner in which collective fines are imposed. In this case I would also refer to the fact that there was no notice served on them; only individuals got notices to say that "a collective fine of Rs. 50 has been imposed on you; please pay the amount to the Subdivisional Officer of Lalbagh or to an officer authorised by him, by 8th February, 1943, at Jiaganj between 12 noon and 4 p.m., failing which a distress warrant will be issued against you. On payment receipt will be given to you." On enquiry I find that here a clever dodge was exercised. The District Magistrate said in another order that "in exercise of the power conferred by section 3(*1*) of the Collective Fines Ordinance read with notification No. 20831P., dated 22nd October, 1942, I hereby exempt all persons except those included in the list attached herewith, of their liability to pay any portion of the collective fine imposed by notification, dated 29th January, 1943."

Now, Sir, I come to another case. That case is one of the most glaring instances of injustice that has been or is being perpetrated under this Ordinance. An esteemed friend of ours, Mr. Anil Kumar Chanda, who is the Principal of the Viswa-Bharati and is a resident of a different union altogether, being a resident of Taltore Union residing as he does at

Konarka in Viswa-Bharati Santi Niketan, was visited on 5th October, 1942, by the Police Officer in charge of the Bolpur police-station who claimed that he was to pay Rs. 151 for collective fines imposed on Bolpur, Dubrajpur and Hetampur on 17th September, 1942. Mr. Chanda protested that he did not belong to that union nor had he any landed property there. And, Sir, on the following day, that is, on the 6th October he made a definite written complaint and sent a registerd letter to the District Magistrate, and a copy of that letter was sent to the local police officer, protesting against that imposition. Yet, Sir, on the 9th November the police with armed constables went to his house and forcibly took away seventeen pieces of his furniture and on the 12th November these were sold out. Thereafter on the 17th November—now the interesting part of it comes—on the 17th November he gave a notice to the Government of Bengal for compensation and recovery of furniture. Interesting things then happened. Government then discovered a mistake in this case and correspondence and files moved and on the 20th January an amending Ordinance was passed exonerating all the officials and taking the suit out of the higher court's jurisdiction altogether. A new amendment to the Ordinance has recently been promulgated providing that: "no suit, prosecution or other legal proceedings shall lie against any person or in respect of anything done which is in good faith done or intended to be done." Here, I submit, Sir, there was no good faith at all and this Ordinance has been applied to the detriment of the individual liberties of the people. Even the High Court's jurisdiction is sought to be taken away by subsequent action after the petition was made.

For all these reasons, Sir, I do support the motion of Rai Harendra Nath Chaudhury.

Babu ASHUTOSH LAHIRI: Sir, I rise to support the motion of my friend Rai Harendra Nath Chaudhuri. The manner in which collective fine has been imposed and realised in different districts of the province has aroused great bitterness and resentment in the minds of the people of the province. Sir, I have personal experience of a particular place, I mean the collective fines imposed on Balurghat town. I visited that place some time in last October. On that town Government imposed a collective fine of Rs. 75,000. Balurghat is a town inhabited by only 8,000 people and it has not got even a municipality. What was the offence of the people of the town for which this heavy fine was imposed on them? It was a raid, in which about 8,000 people who came mostly from village areas from a distance of 18 to 30 miles to the Balurghat town in the morning of the 14th September participated. They went straight to Subdivisional Officer's bungalow and demanded food from him. He refused to do anything for them and then the crowd turned back and looted and burnt some of the Government buildings. They burnt the first and second munsifs' court buildings, the sub-registry office, the jute registration office and the co-operative bank buildings. These buildings were burnt only to a certain extent; none of them were wholly burnt. I have myself inspected all the buildings, and I think the total damage to these buildings would not exceed Rs. 15,000.

But the poor people of the town were saddled with a collective fine of Rs. 75,000. I do not know on what principle this fine was imposed. It has been admitted that the people of Balurghat town generally did not take part in the raid. Only a few dozen people who were Congress workers are alleged to have organised this raid and to have collected the village people with a view to carrying out the raid. The inhabitants of the town themselves had no knowledge beforehand of this nor did they take any part in it. It was admitted, Sir, by the District Magistrate himself; for, on the following day, namely, the 15th of September, he held a conference of local people there and rebuked them for not having actively resisted the people from carrying out the raid, when the leaders of the town in their turn asked him as to what the police did during the four hours of the raid on the town. It is well known, Sir, that the police took no action whatsoever against them: the Subdivisional Officer was there and he did not take any action against them. They quietly finished their work and left the town when to the surprise of everybody the District Magistrate discovered that the townspeople had sympathy with the raiders which made it possible for them to carry on this raid. Sir, whatever might be the conclusion arrived at by the District Magistrate, I think it can be pertinently asked, what the police force there was doing at that time. There was an armed force, there was a body of ordinary police force there: why did not they resist this raid. I say, Sir, the police, the Subdivisional Officer and other Government officials there were equally responsible and can equally be accused of having sympathy with the raiders. Sir, this plea of the Government that the inhabitants of the Balurghat town had sympathy with the raiders is absolutely untrue and has got no basis of facts to stand upon.

Then, Sir, the principle on which the collective fines were imposed was objectionable. It has been found, Sir, that some of the local Moslems took part in the raid. One of them happened to be a son of the President of the local Muslim League who was caught red-handed. In this case, Sir, although some of the Moslems actually took part in the raid, so far as the Moslems are concerned, only those Moslems have been fined who have been found guilty of having taken part in the raid—I mean, innocent Moslems were exempted from the payment of the collective fine; but with regard to the Hindus, as a class they have been subjected to the fine irrespective of the fact whether they were innocent or guilty. I ask, Sir, why is it that a principle which was applicable in the case of the Moslems was not thought to be applicable in the case of the Hindus? I feel, Sir, all innocent people, no matter to which community they belong, should be exempted from paying collective fines. (Mr. SYED MUSTAGAWSAL HAQUE: The Muslim as a class did not join the movement.) That may be true in certain localities but not in all. I know of at least one instance where that was not the case and that was the raid on the Balurghat town. I myself visited the place, personally studied the situation there for three days and have got first-hand knowledge of the facts. I can say that in the Balurghat raid which took place in broad daylight there was a certain percentage of Moslems present, which was admitted by the District

Magistrate himself in the conference held on the 15th September. The Superintendent of Police also said that the Moslems openly took part in the raid. So it is not correct to say that so far as the Balurghat raid is concerned the Moslems did not take part. As a matter of fact a son of the President of the Muslim League was caught red-handed while taking part in the raid. However, Sir, I do not like to pursue this matter further, but I have been compelled to refer to it on account of the interruption of my honourable friend. The point I was going to develop is this: Why should innocent Hindus be subjected to fines while in respect of Moslems the fines were confined to those only who were found guilty of actually taking part in the raid.

Then, Sir, a collective fine of Rs. 500 was imposed on a small village named Moradanga. I have been to the place of occurrence which was really a distressing sight to see. The villagers who were mostly Oraons, Sonthals and Rajbansis had been subjected to such inhuman oppressions committed by the police and other ruffians that they had nothing whatsoever left in their houses except their cows. Over and above that, the unfortunate people had to pay Rs. 500 as a collective fine. Their corrugated iron sheets, even the doors and windows of their houses were taken away by the ruffians and for seven days they continued this looting with the connivance of the authorities. They had therefore to sell out the only property left to them—I mean, the cows—to pay the fine. I feel, Sir, that the manner in which these collective fines have been imposed and the manner in which they have been realised is extremely unjust and unfair, and that the action taken by the officials on behalf of Government has permanently alienated the sympathy of the people of this province.

With these words, Sir, I support the resolution.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, I wholeheartedly support the resolution which has been moved by Rai Harendra Nath Chaudhuri about the imposition of collective fines. The promulgation of an Ordinance must be made at a time of very grave emergency when the application of the ordinary law of the land can be of no avail. The preamble of the Ordinance No. XX of 1942 as promulgated by His Excellency the Viceroy in British India distinctly states that it is meant to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of British India for the efficient prosecution of the war. The promulgation of an Ordinance to try offences which are ordinarily triable exclusively by the ordinary law of British India is a misuse of power. I would, at the same time, submit that the imposition of collective fines without any adequate enquiry or without ascertaining the guilt or otherwise of the people concerned is a much more heinous procedure. Here instances have been cited in which the burning of a post office, the burning of a thana, the looting of village huts, the burning of the records of a union board or the burning of some thatched cottages belonging to a chaukidar have been held to come within the purview of Ordinance No. XX of 1942 There can be no greater misuse of power and misuse of the authority vested in the district authorities than has been evidenced by

the application of this Ordinance XX of 1942. If the burning of a union board office records or of a school house or only a portion of a railway station does not ordinarily have the effect of interfering with the transport facilities, it surpasses our understanding how can such a thing fall within the purview of this Ordinance XX of 1942. Instances have been cited before by my learned friend Dr. Nalinaksha Sanyal in which Babu Maharaja Bahadur Singh of Jiaganj was visited with a fine of Rs. 15,000 out of Rs. 20,000 although he happened to be a non-resident zemindar and although it was not established by a shadow of evidence that his local officers had any complicity with the guilt or the supposed guilt of the offenders for the misdeeds of which the collective fine was imposed. The district authorities should exercise discretion, should exercise sympathy, should exercise good judgment in the matter of the total amount of fine which is to be imposed and in the matter of selection of the parties from which it has to be realised and the allocation of the various sums upon any particular community or any particular individual.

Sir, here I have got with me a petition by the residents of Muragacha, Dharmada, Bahirgachi and other places in the district of Nadia in which collective fines were imposed upon the villagers for burning certain small items of property and they were visited with a collective fine of Rs. 2,000. Here they were called upon to pay the fine within the space of four days and they petitioned to Government. They said that they were quite prepared to build the edifices or to make good the loss which Government had incurred. In spite of that nothing was done and the people were called upon to pay the fine within the incredible space of four days.

Now, Sir, I would place before the House that the delegation of authority to district officers without the knowledge of the head of the province or the Minister in charge of the Home Department would be a dereliction of duty on the part of Government to avoid responsibility and we all know how there are personal elements operating with the district authorities who are guided by their Subdivisional Officers and by other elements against certain persons in the locality. If there are undesirables they must pay the collective fine even if they happen to be non-residents of the place, even if they can show that they were innocent of all such activities. I would submit that in the matter of imposition of these fines it will be better if the district authorities would institute some sort of enquiry or at least call upon those persons upon whom they intend to impose the fines to come before them and place before them the evidence upon which they want to be exempted or they should be shown the evidence upon which Government or, for the matter of that, the district officer or the Subdivisional Officer or the thana officer wants them to be implicated. Government seem to be pauper in the matter of statesmanship. They have forgotten the maxim that a discontented civil population is never an asset whether it is a state of war or a state of peace. Should not the Government take stock of the fact that the imposition of these fines upon a people who think themselves innocent and against whom Government have not the semblance or tittle of evidence to implicate them in these offences has

the effect of alienating the sympathies and the support of the people for the prosecution of the war? After all, these Ordinances should be applied for the suppression of sabotage, for the suppressing of fifth-columnist activities, and not for offences which are quite cognisable by the ordinary civil law. If persons without being given any opportunity, without having anything to connect them with the offences, are ruthlessly fined in this manner, then, Sir, I would submit it will be very unfair both for the Government and for the people as a whole. Government is nothing but the embodiment of the will of the populace in whom some sort of power has been vested. In this country we are governed by sun-dried bureaucrats who have absolutely no sympathy with the population, who think that after the passing of the last day of the month they will be entitled to a fat salary, their travelling allowances and other allowances. But if they think so I want to give them some sort of warning that this state of things should not be allowed to continue any more. They must be held responsible for their misdeeds, for it is nothing short of a misdeed to punish persons who are absolutely innocent by imposing fines in this ruthless manner.

With these words, Sir, I support the motion so ably moved by my friend Rai Harendra Nath Chaudhuri.

Dr. NALINAKSHA SANYAL: Sir, I would like to know how long we are sitting so that we may be able to come to a decision tonight. If you are prepared to extend the sitting to 8 p.m. we may probably have a few more speakers; otherwise we want the Hon'ble Chief Minister to make a statement. The question be now put.

Dr. SYAMAPRASAD MOOKERJEE: We want to speak.

Mr. SURENDRA NATH BISWAS: On a matter like this we also want to speak.

Mr. SPEAKER: This is a very important matter. It requires full discussion and the matter should be discussed from all points of view by the different sections of the House.

Dr. NALINAKSHA SANYAL: Let us sit longer.

Mr. SPEAKER: When you were asking for time I told you that if you asked for time, as there was quite a large number of speakers and they have intimated their desire to speak it may be necessary that this resolution will be carried over to some other day after the 1st April. You did not raise any objection.

Dr. NALINAKSHA SANYAL: Of course I did. I immediately said "I cut down one of my speakers".

Mr. SPEAKER: You might have said that, but that did not mean that you objected to this matter not being put to vote today.

Dr. NALINAKSHA SANYAL: There was no occasion for me to do that.

Mr. SPEAKER: That is exactly what I mean. I think the matter has not yet been sufficiently discussed. It ought to be discussed thoroughly and then it will be put not today definitely but it will stand over to some other day when this matter will be put to vote.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that this is a very important matter as you have yourself realised, and we have had experience of important matters like this, like the food debate, Ordinance No. II of 1942, and such other important matters, being held over from day to day, and the House has been denied the opportunity of coming to an early decision thereon. Even this morning you found an attempt was being made to postpone even the food debate from the 9th instant. This is a state of affairs to which we strongly object. With regard to the permission of other parties I suggest, Sir, that we should have a prolonged sitting of the House today say up to 7-30 or 8 p.m. (Dr. SYAMAPRASAD MOOKERJEE: No, no.) We have still got full one hour. If the debate is continued till 7-30 p.m. this matter may be discussed and then we may come to a decision.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I think I have got to make a statement after what has fallen from Dr. Sanyal. There was no attempt made to shift the discussion of the food problem from the 9th; however that is irrelevant. So far as this discussion is concerned, may I point out to Dr. Sanyal that the opinion of the House can be ascertained not merely by getting votes but by a full dress debate in this House? I think it is far more satisfactory that opinion should express itself rather than a vote be taken on a particular point merely for the advantage or disadvantage of any political party. So far as I am concerned, I want, if Government is expected to look into this question closely, that the debate should be continued in full, so that we may have the advantage of expressions of opinion from all quarters, not merely the expression of opinion of one section but of all sections of the House. The opinion of the House means the opinion of all sections and not one section. I think Dr. Sanyal will agree with me that in a matter of such importance there should not be any curtailment of the privileges of the members of the House.

Now, Sir, as regards a date, it is not my intention to shift the date to anything beyond any particular day in this month. It all depends on the nature of the business before the House. We must take the earliest possible opportunity to proceed with the debate. But so far as this evening is concerned, it is sheer cruelty to ask us to sit in this House for longer hours having had to attend both the Upper and the Lower Houses, party meetings, office work, etc. I may tell the House that from 8 o'clock this morning I had not been to my house to take my meal.

Dr. NALINAKSHA SANYAL: I respectfully submit for your consideration, Sir, that to-morrow morning is the only available date that I can see. Unless this debate is closed today, you will have to fix a date either in the morning or after the end of March, i.e., in the first week of April. Up to the end of March we have no more non-official day.

Babu NAGENDRA NATH SEN: Why not to-morrow morning?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as a date is concerned, I suggest that Dr. Sanyal and we shall sit together and fix a convenient date to which there will not be any objection from any quarter. As regards the 9th to which a reference has been made after we had announced our decision that the discussion would continue on that day, I find an expression of opinion of a very large section of the House that on the 9th no business should be transacted. It all depends on the nature of the business before the House.

Dr. NALINAKSHA SANYAL: You want to postpone the meeting on the 9th?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not, but the members do. I want to have it on the 9th. (Interruptions.)

Mr. SPEAKER: Order, order. You must hear what the Hon'ble the Chief Minister has got to say, and after hearing him I shall give my decision. The Chief Minister will now make his point clear.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am only accommodating my friends on this side.

Mr. SHAMSUDDIN AHMED KHONDKAR: On the 10th there will be an election. On the 9th we shall be very busy because we are interested in the election. So, there should not be any meeting on the 9th.

Mr. SYED BADRUDDOJA: May I respectfully point out that the opinion of a large section must count in determining a particular date which must suit all sections in this House? If there is a volume of opinion which desires that the date should be shifted on to another date when we can discuss this point I do not see how my friends on the other side can object to it.

Dr. NALINAKSHA SANYAL: Will the date depend on majority rule?

Mr. ABDUR RAHMAN SIDDIQI: May I know, Sir, whether it is right on the part of the Leader of the House to say that he holds a view which is not supported by his followers? I hope, Sir, that you will not allow the Leader of the House to break the parliamentary convention in this manner.

Mr. SPEAKER: So far as I can see, there is no difference of opinion on any particular subject-matter relating to the business of the House. It is a question relating to the fixation of a particular date for the disposal of a particular matter. It appears to me that the Hon'ble Chief Minister made a statement without being properly posted with regard to the views of his supporters. It appears that he was personally agreeable to the matter being discussed on the 9th, but subsequent opinion expressed to him by members of his party appears to have weighed with him and he

now seems willing to shift the date to some other date. At the same time, I find—perhaps not without reason—that there is a lurking suspicion in the mind of the Opposition that this is only an attempt to shift the date from day to day to avoid a decision being arrived at on this particular issue. I would therefore request the Hon'ble Chief Minister to state a definite date if possible on which this question may be decided.

Dr. NALINAKSHA SANYAL: Are you re-opening the question? We will not tolerate the decision of the Speaker being changed in this way. Sir, you definitely stated earlier in the day that you have, in consultation with the Chief Minister, decided that there would be a meeting on the 9th and there would be full debate.

Mr. SPEAKER: It may be your impression, but so far as I remember it was not so. It was not my business to give you any assurance that the matter would be discussed on that date. So far as I remember, I never gave you any assurance like that. The Chief Minister says that he sticks to that date. Therefore no question of any ruling given by me arises in this particular matter. If there is a large volume of opinion against a particular date for the disposal of a particular matter, I think there can be no objection to shifting the date, provided of course I am satisfied as well as the Opposition that there is no attempt to altogether shelve the matter. I think the Hon'ble Chief Minister suggests the morning of 10th.

The Hon'ble Mr. A. K. FAZLUL HUQ: No, 11th.

Mr. SPEAKER: He has suggested the morning of 11th, but I think voting on grants also begins on the 11th.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Mr. SPEAKER: That will begin from 3-45 p.m. Then I want to be sure about the time also. What is the time? Let him make a suggestion.

Mr. YOUSUF MIRZA: Sir, we will have to consult the members of the European Group on this matter.

Mr. SPEAKER: All right.

Babu NAGENDRA NATH SEN: Sir, fixing of time is in the absolute discretion of the Speaker. Why should you surrender your just rights and authority to consult the dictates of a certain person, may he be the Chief Minister or the Food Minister?

Mr. I. D. JALAN: Sir, we were discussing the fixing of a date for the debate on the resolution before us. Incidentally, instead of fixing a date for the continuance of the discussion on this resolution, you have reopened the question with regard to the fixing of a date for the discussion of the food problem. Therefore, I submit that, before going to reopen that question, you must decide as to the date to be fixed for continuing discussion on this resolution.

Mr. SPEAKER: I quite see the force of the suggestion made by Mr. Jalan. I think, we have proceeded to such an extent——

Dr. NALINAKSHA SANYAL: Sir, I submit——

Mr. SPEAKER: Dr. Sanyal, I am on my legs. Why are you so very anxious? I will hear you afterwards.

Dr. NALINAKSHA SANYAL: Sir, I may not get the opportunity afterwards.

Mr. SPEAKER: All right, you go on.

Dr. NALINAKSHA SANYAL: Sir, I submit most respectfully, that 11th and the dates subsequent thereto would be the days when we shall be busy with the budget cut motions and preparation and study in that connection and it will be extremely difficult for us to apply our minds to important issues like the food debate or the collective fines debate during such period as the budget cut motions are taken up. I fully realise the anxiety of Government and their party to make it impossible for the Opposition to put things properly in proper perspective before the House and in proper time——

The Hon'ble Mr. A. K. FAZLUL HUQ: I object to that.

Dr. NALINAKSHA SANYAL: I submit, Sir, that you as Speaker of the House have got the inherent right to see that the Opposition gets a fair deal and it is the privilege of the Opposition to claim convenience of dates. If by majority the members of the Government party—who are always in a majority—try to fix a date according to their own convenience, then no debate will come to a conclusion.

Mr. RASIKLAL BISWAS: একই কথা বার বার বোলতে দিয়া সময় নষ্ট কোরতে দেবার দরকার কি? অথচ আমরা কাজের কথা বলবার জন্য সময় পাচ্ছিনে। আপনি দয়া কোরে এদিকে দৃষ্টি রাখবেন।

Dr. NALINAKSHA SANYAL: I therefore submit, Sir, that you will not be pleased to allow any attempt to shift the date from the 9th and to have any other date for today's debate than the 10th or the 11th morning, as has been suggested by the Chief Minister.

Mr. SPEAKER: I think we have wasted much precious time of this House over nothing. In the first place, I admit it was somewhat wrong for me to allow the Chief Minister to make the other suggestion. That ought not to have been done. Somehow it cropped up and it escaped my attention and there has been a lot of discussion over the matter and if my attention had been drawn in the beginning to it, I would not have allowed it at all to be raised. So far as that matter is concerned, I would request the Hon'ble Chief Minister just to indicate his definite ideas to the Chief Whip of his party. I would request the other Leaders also to indicate their desires to their respective whips. I will meet them in my chamber tonight and will give my decision on Monday when we next meet.

Dr. NALINAKSHA SANYAL: Sir, we make it clear that we do not agree to any postponement beyond the 9th.

Mr. SYED BADRUDDOJA: Sir, I submit that if Dr. Sanyal is so insistent on that date, we also insist that you must look to our convenience also and shift that date to a convenient time so that we may be in a position to discuss this matter from all points of view. Dr. Sanyal is not at all amenable to reason. We on this side of the House also insist that the date may be shifted to another convenient date.

Dr. NALINAKSHA SANYAL: We had the date shifted from the 26th for your convenience.

Mr. SYED BADRUDDOJA: Not for our convenience.

Mr. SPEAKER: I am new to my office. I am sorry I am not fully conversant with the rules on this point. I understand that it is the Government that fixes the date with regard to the business of Government. If that is so, no question of fixing the date arises——

Dr. NALINAKSHA SANYAL: Sir, may I point out——

Mr. SPEAKER: Order, order. Dr. Sanyal, this is not proper You will allow me a little time to finish what I have got to say. I will look into the matter personally and I will give my decision on Monday next because the time to be fixed will be after Monday. Therefore, you will not be prejudiced in any way.

So far as this particular matter is concerned, it was a side issue and it did not arise out of the present business before the House Therefore, that is my ruling with regard to that particular matter. So far as the present matter is concerned, I think Dr. Sanyal has frustrated his own object. It is now already 5 or 6 minutes to 7. Therefore, prayer time is practically going to be over.

Adjournment.

The House was then adjourned at 6-55 p.m. till 3-45 p.m. on Monday, the 8th March, 1943, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 8th March, 1943, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 7 Hon'ble Ministers and 169 members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen: It is my painful duty to announce the death of Captain the Right Hon'ble Edward Fitzroy, Speaker of the House of Commons. He died on Wednesday, the 3rd March, 1943. He was first elected a member of the House of Commons in 1900 and became Deputy Chairman of the Committee of the House of Commons from 1922 to 1924, and again from 1924 to 1928. And in 1928 he was elected Speaker of the House of Commons. I feel that a message of condolence should be sent to the House of Commons and to the bereaved family. I hope members will signify their assent by rising in their seats.

(At this stage the members rose in their seats.)

Thank you, ladies and gentlemen. The Secretary will do the needful.

STARRED QUESTIONS

(to which oral answers were given)

House Protection Fire-Parties in Calcutta.

***109. Mr. M. A. F. HIRTZEL:** (*a*) Will the Hon'ble Minister in charge of the Civil Defence Co-ordination (Home) Department be pleased to lay on the Table a statement showing, sub-area by sub-area, the number of House Protection Fire-Parties recruited and trained in Calcutta and the total personnel involved?

(*b*) Will the Hon'ble Minister be pleased to state whether fire-watchers have been recruited and trained for each of these parties and, if so, on what terms?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken by Government to recruit fire-watchers and the terms on which they are likely to be recruited?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) A statement is laid on the Table.

(*b*) and (*c*) One person in every party of 3, and 2 in every party of 6 act as fire-watchers by turns at the time of raids. Fire-watching is organised on this basis. Parties are also supplied with whistles so that fire-watchers can draw the attention of other members of the party to the fall of incendiary bombs. Training is given to parties by Instructors and Wardens.

Statement referred to in reply to clause (a) of starred question No. 109.

HOUSE PROTECTION FIRE PARTIES, A.R.P., CALCUTTA.

Sub-area.	Parties sanctioned.	Parties organised.	Personnel recruited.	Complete parties trained.	Personnel trained.
A. Shampuker ..	900	894	3,156	723	2,285
B(N). Jorabagan (North) ..	650	650	2,838	650	2,838
B(S). Jorabagan (South) ..	450	415	1,557	272	1,044
C. Burtolla ..	510	510	2,040	476	1,768
D(N). Burrabazar (North) ..	800	552	2,254	446	1,846
D(S). Burrabazar (South) ..	600	538	2,128	232	1,128
E. Jorasanko ..	880	689	2,462	610	2,126
F. Amherst Street ..	700	700	3,095	700	2,720
G. & H. Hare Street and Bowbazar	515	515	2,100	515	2,100
I(E). Muchipara (East) ..	700	700	2,514	700	2,514
I(W). Muchipara (West) ..	700	700	2,335	700	2,335
J. & K. Taltola & Park Street ..	500	478	1,814	478	1,814
M. Cossipore ..	370	370	1,469	238	1,170
N. Chitpore ..	500	500	1,908	450	1,542
O(N). Manicktolla (North) ..	500	492	2,057	441	1,665
O(S). Manicktola (South) ..	600	600	2,353	488	1,922
P(N). Belliaghata (North) ..	375	375	1,628	348	1,432
P(S). Belliaghata (South) ..	425	425	1,419	425	1,419
Q. Entally ..	700	689	2,905	590	2,277
R. Beniapuker ..	400	400	1,641	375	1,390
S(N). Ballygunge (North) ..	650	613	2,003	402	1,548
S(S). Ballygunge (South) ..	600	600	2,159	595	1,860
T(E). Bhowanipore (East) ..	675	602	2,698	522	2,335
T(W). Bhowanipore (West) ..	675	675	2,408	675	2,408
U(E). Tollygunge (East) ..	300	295	1,121	183	595
U(W). Tollygunge (West) ..	600	590	2,855	432	1,610
V. Alipore ..	430	430	1,662	430	1,662
W. & L. Watgunge & Hastings ..	860	846	2,791	442	1,465
Total ..	16,564	15,843	61,316	13,512	50,318

Khan Bahadur MOHAMMED ALI: Before I put supplementary questions, Sir, I would like to know whether by "fire-protection parties" Government mean persons who are detailed to watch the fall of incendiary bombs or persons who are to fight the fire in case there is an actual outbreak.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am afraid I do not know. I shall have to find it out.

Khan Bahadur MOHAMMED ALI: Sir, this question should be held over. This question refers to house protection fire parties, but the answer has been given with regard to the fire-watchers. I think the intention of the questioner was perhaps to ascertain what arrangements Government are making with regard to giving protection to house-owners in the event of outbreaks of fire.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am informed by my colleague on the right that it does not refer to fire-watching but to fire-fighting.

Khan Bahadur MOHAMMED ALI: But, Sir, the reply refers to fire-watching.

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Khan Bahadur MOHAMMED ALI: But, Sir, the fall of incendiary bombs comes under fire-watching.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know that. As a matter of fact, if the honourable member gives me notice I shall give the necessary information. For the present I cannot give out more information than what is contained in the printed answer.

Mr. SPEAKER: Order, order. Certain question was put and certain answer was given. You are quite competent, Mr. Mohammed Ali, to ask the Hon'ble Minister any supplementary question you like. But you cannot quarrel with him.

Khan Bahadur MOHAMMED ALI: No, Sir. I am not quarreling. What I submit is that the answer has been given under a misapprehension. Government take it that fire protection probably refers to fire-watching, but there is a difference between fire-watching parties and house protection fire parties. The reply given here refers to fire-watching and not to house protection fire-fighting.

Mr. SPEAKER: Khan Bahadur Mohammed Ali, it appears that you know much more than the Hon'ble Minister. What is the use of your putting this question?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am a layman, Sir. What is the good of asking me for information which is quite well known to the honourable member?

Mr. SPEAKER: The next question.

Khan Bahadur MOHAMMED ALI: What will be the fate of this question, Sir? I would request you to hold it over till the Hon'ble Minister is in a position to answer the question.

Mr. SPEAKER: I have already called the next question. If you are not satisfied with the answer given by the Hon'ble Minister, you may give notice of a fresh question and he will give the necessary answer.

Financial help to the families of Bengalis detained in enemy-occupied territory.

*110. **Khan Bahadur AULAD HOSSAIN KHAN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that some residents of this Province have been detained in enemy-occupied territory such as Burma and Malay; and

(*ii*) that their family members are in great distress?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps Government propose to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) Yes, in many cases.

(*b*) This Government are granting repayable advances to the dependants for their maintenance under the authority delegated by the Government of India to Provincial Governments. All District Officers have been given necessary instructions and authority to deal with such cases.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what he means by the word "repayable" and what are the terms thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: "Repayable" means that it is not a gratuitous relief.

Mr. CHARU CHANDRA ROY: What are the terms?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say offhand.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to give an outline of the scheme under which this loan is given?

Mr. SPEAKER: How can you expect to have a complete scheme outlined in answer to a supplementary question? This is impracticable, and I disallow it.

Khan Bahadur MOHAMMED ALI: What is the basis of calculation or the rate at which the allowance is paid?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say from memory.

Mr. M. A. H. ISPAHANI: Is this allowance based on influence exercised or on some rules framed by the Provincial Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: On certain rules according to which these allowances are paid. That is all that I have got at present to say.

Khan Bahadur MOHAMMED ALI: May we not expect to have a proper reply, Sir?

Mr. SPEAKER: You cannot expect an offhand reply to your very comprehensive question, Khan Bahadur. You have asked the question and the Hon'ble Minister has replied that he is prepared to lay the rules on the table. What more can you expect to have?

Imposition of collective fine on certain Hindus of Beldanga.

***111. Mr. ISWAR DAS JALAN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that on the 10th November, 1942, the President, Beldanga Union Board, announced by beat of drum the order of the District Magistrate of Murshidabad that collective fines to the extent of Rs 1,000 only would be imposed on the Hindu and Muslim residents of Beldanga if the culprits responsible for the arson on a local evacuees' relief shed on the 8th November, 1942, could not be detected within three days of such announcement; and

(*ii*) that on the 13th December, 1942, the District Magistrate of Murshidabad imposed on 18 Hindu residents only a collective fine of Rs.2,000?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the considerations and the nature of evidence on which these fines were imposed?

(*c*) Is it a fact that among the persons who were called upon to pay the imposition the name of one who died three or four years ago has been included?

(*d*) What are the amounts assessed to be paid by each one of the persons against whom the order was made and what was the basis for such assessment in each case?

(*e*) Have the Government received any petition from the affected persons in this connection?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the action, if any, taken thereon.

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*), (*c*) and (*e*) Yes.

(*b*) A number of sheds were burnt on the 8th November, 1942, at the Beldanga evacuees' Relief Camp. This constituted conditions of the nature justifying the imposition of a collective fine as laid down in section 3(*1*) of the Ordinance and the occurrence of the offence together with the failure to lodge information as to the offenders made it appear to the District Officer that the inhabitants were concerned in such a way as to be liable to the fine.

(*d*) A list of assesses is laid on the Library Table. The basis for assessment is prescribed in section 3(3) of the Ordinance to which the honourable member's attention is invited.

(*f*) Fines in two cases have been reduced.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), may we enquire which particular section of the Ordinance does this man, who died three years ago, come under?

The Hon'ble Mr. A. K. FAZLUL HUQ: You are a Research Scholar. So far as this fine is concerned, it must be remitted.

Mr. SPEAKER: The Hon'ble Chief Minister perhaps identified me with Dr. Sanyal when he said, "You are a Research Scholar." I have never been such a scholar in my life. (Laughter.)

The Hon'ble Mr. A. K. FAZLUL HUQ: It is impersonal "you".

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), "the occurrence of the offence together with the failure to lodge information as to the offenders made it appear to the District Officer that the inhabitants were concerned in such a way as to be liable to the fine," may we enquire if all the inhabitants of the area concerned were subjected to the fine?

The Hon'ble Mr. A. K. FAZLUL HUQ: Or, in other words, whether some inhabitants were excluded? Is that your question?

Dr. NALINAKSHA SANYAL: Let me be direct. We charged on a previous occasion that this was not a collective fine but a selective fine on only eighteen individuals. The order of the District Magistrate related to eighteen individuals of whom one was dead, Mr. Charu Pada Gonai. That has been admitted. So far as the others are concerned, my supplementary question is whether these persons were subjected to the collective fine as being inhabitants of the place or for some other reason, because all the inhabitants were not fined——

The Hon'ble Mr. A. K. FAZLUL HUQ: Therefore, the question is all the inhabitants were not put under fine. Therefore, it was a selective fine. From the papers before me it is impossible for me to say. I have got a list——

Dr. NALINAKSHA SANYAL: How many persons appear in the list?

The Hon'ble Mr. A. K. FAZLUL HUQ: 17.

Dr. NALINAKSHA SANYAL: 18 was the original number.

Mr. SPEAKER: Dr. Sanyal, there ought not to be a discussion. Put your next question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the reasons for selecting the 17 persons for the fine?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say at the moment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the total population of the area?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why other people were exempted?

The Hon'ble Mr. A. K. FAZLUL HUQ: For all these questions I must have notice.

Dr. NALINAKSHA SANYAL: In answer to question (*b*), which reads, "If the answer to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the considerations and the nature of evidence on which these fines were imposed," the considerations are sought to be stated but no nature of evidence is given. That is why I would like to know the nature of evidence.

The Hon'ble Mr. A. K. FAZLUL HUQ: From the papers with me I cannot give the answer. On this also I would like to have notice.

Dr. NALINAKSHA SANYAL: Notice was given, Sir.

Mr. SPEAKER: I know, but if the Hon'ble Minister does not give the answer, what can I do?

The Hon'ble Mr. A. K. FAZLUL HUQ: If there has been defect in the reply to which attention has not been drawn, I would take notice on it and would answer later.

Dr. NALINAKSHA SANYAL: Let the question be held over.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the answers are concerned, they are there, and as regards the new question——

Dr. NALINAKSHA SANYAL: It is an old question.

Mr. SPEAKER: He has said that there appears to be some defect in the answer and he gives the assurance that he will give you an answer. It is not necessary to hold over the question at all.

Dr. NALINAKSHA SANYAL: How can we get it?

Mr. SPEAKER: You will get it because he says he will take that question as fresh notice.

Police-firing and persons killed inside a mosque at Kishoreganj.

***112. Mr. M. FARHAD RAZA CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact that the police opened fire on some persons inside a mosque in Kishoreganj?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if any departmental enquiry was conducted into the shooting affair?

(*c*) If so, will the Hon'ble Minister be further pleased to lay on the Table a copy of the report of enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The police opened fire on a mob, in consequence of which two persons sitting inside a mosque were killed by stray bullets.

(*b*) I do not admit the implications in question (*a*), but am prepared to state that a departmental enquiry was held into the matter.

(*c*) I made a full and detailed statement in the Legislative Council on the 19th November, 1942, on the basis of official reports. The honourable member is referred to that statement which has been published in the proceedings of the Bengal Legislative Council.

Mr. SPEAKER: I see in answer (*c*) it is stated, "I made a full and detailed statement in the Legislative Council on the 19th November, 1942." I am afraid that this is not in order. Reference to Council affairs ought not to have been made here.

The Hon'ble Mr. A. K. FAZLUL HUQ: In that case the question may be held over.

Mr. SPEAKER: The question is held over.

Petition regarding prosecution of officials responsible for firing upon the Muslims within Shaheedy Mosque at Kishoreganj, Mymensingh.

*113. **Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any petition from one Maulvi Abu Ahmed for prosecution of the Government officials responsible for firing upon the Muslims within the Shaheedy Mosque at Puranthana at Kishoreganj, Mymensingh, has been received by the Secretary, Home Department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, the Government have taken or propose to take on the petition?

(*c*) Do the Government contemplate to take any action against these Officials?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: The representation has been received, and I am considering action to be taken on it.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when the representation was received by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have got to ask the Law Officers and as soon as the reply is received, I will give you the answer.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state who led the procession?

The Hon'ble Mr. A. K. FAZLUL HUQ: I submit, Sir, that question does not arise.

Mr. SPEAKER: That question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to explain to the House the cause for which this firing was resorted to?

The Hon'ble Mr. A. K. FAZLUL HUQ: How does that arise?

Srijut NARENDRA NATH DAS GUPTA: It arises out of the question itself.

Mr. SPEAKER: The question is with regard to the petition. Therefore, that question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Mr. Speaker, it arises in this way, because here it is asked what action the Government contemplate on this firing. The House must know whether any action on the part of Government is necessary. If it knows the incidents and facts, it can express its opinion by supplementary questions.

Mr. SPEAKER: The question relates to a certain petition regarding prosecution of officials responsible for firing upon the Muslims within Shaheedy Mosque at Kishoreganj, Mymensingh. It relates to the petition regarding prosecution and so forth. Now, can any question which goes into the details of the matter as to what led to the firing and so forth be within the scope of the question?

Dr. NALINAKSHA SANYAL: What are the contents of that representation?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not possible for me to give the whole of the contents. The petition is to prosecute certain officers for the prosecution of whom Government sanction is necessary under the Criminal Procedure Code.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state when did the Government receive the representation?

The Hon'ble Mr. A. K. FAZLUL HUQ: The representation was addressed to the Chief Secretary and it was sent down for ascertaining certain facts. I cannot say at what time at the present moment: it is about three weeks ago that the matter had been sent to the Law Officer of Government.

Mr. AHMED HOSAIN: When did the Government receive the representation?

The Hon'ble Mr. A. K. FAZLUL HUQ: About two months ago.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state how long the Government is expected to keep that petition under consideration and when the Government is expecting to come to a final decision?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said, as soon as the Law Officer sends his opinion, we will take quick action. All that I can say is this: that if necessary I can ask the Law Officer to expedite giving his opinion.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us why the petitioner wanted prosecution of those officers?

Mr. SPEAKER: That is a motive in the mind of the petitioner and the Hon'ble Minister is not supposed to know that.

Mr. CHARU CHANDRA ROY: Sir, my submission is this: this is not a private affair between the Hon'ble Minister and the member who has put this question. All the members are expected to know it.

Mr. SPEAKER: If you have got any definite question to ask you can do that, so that I may give my decision on that and the Hon'ble Minister may be asked to give answer to the question or the question may be disallowed. Have you got any such question?

Mr. CHARU CHANDRA ROY: Yes, Sir. My question is this: Will the Hon'ble Minister be pleased to tell us why the petitioner wanted to prosecute those officers? I want the reason why?

Mr. SPEAKER: I have already told you that it is in the mind of the petitioner himself. He felt aggrieved and he approached the authorities. It is no question.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state who was the petitioner?

The Hon'ble Mr. A. K. FAZLUL HUQ: The name of the petitioner is given here in the question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the reasons for prosecuting these officers are disclosed in the petition?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I make the point clear? In the petition the petitioner alleged facts on the basis of which he claimed that the officers were not acting in their official capacity or acted in excess of the power which they possessed, and therefore the petitioner thought that he had a case for the prosecution of these officers. For that sanction of Government is necessary and the whole matter is now before the Government for consideration.

Maulvi MUHAMMAD ISRAIL: Is the Hon'ble Minister aware of the fact that the petition was addressed to the Home Department some time in the month of November, perhaps on the 18th November last?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have already said, the petition was received about two months ago.

Mr. M. A. H. ISPAHANI: Will the Hon'ble Chief Minister be pleased to assure the House that he will call upon the Law Department to furnish the necessary report without further delay?

Mr. SPEAKER: That has already been answered. He has said that he will ask the Law Officer to expedite the matter.

Mr. M. A. H. ISPAHANI: I am calling upon him to give that assurance.

Mr. SPEAKER: That is a request for action. He has already assured the House and you are asking him to give an assurance to take action on a certain matter. Strictly speaking, that is not permissible.

Mr. M. A. H. ISPAHANI: If I may be permitted to say, Sir, the Chief Minister said, "If I am called upon to ask the Law Officer to expedite the matter, I will do so," and he took his seat after saying that. Knowing the Chief Minister's promises as I do, I am not prepared to accept that as an assurance.

Mr. SPEAKER: Mr. Ispahani, you know that this is question time and you have got to put supplementary questions. You cannot request the Hon'ble Minister to take action: that will be a request for action. Put your question in this way: "Will the Hon'ble Minister be pleased to consider the desirability of having an early report from the Law Officer?"

Mr. M. A. H. ISPAHANI: Thank you very much. I put this question to the Hon'ble Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes; my answer is in the affirmative.

Mr. CHARU CHANDRA ROY: In view of the answer given by the Hon'ble Minister that the petitioner wanted the prosecution of the officers as he thought that they did not act in their official capacity, will he be pleased to state what is the material on which he based such an opinion?

Mr. SPEAKER: That is not a permissible question.

A.R.P. shelters for prisoners in the Presidency Jail.

***114. Mr. SIBNATH BANARJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the present number of (1) security and (2) ordinary prisoners in the Presidency Jail; and

(*ii*) the number of (1) covered shelters and (2) slit trenches, if any, constructed for these prisoners; and

(*iii*) the number of prisoners who can find accommodation therein?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is it a fact that the prisoners are locked up inside their rooms during air raid alerts and bombing?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps for keeping open the doors of rooms during alerts and air raids?

(*e*) Will the Hon'ble Minister be pleased to state what other A.R.P. measures have been taken in the Presidency Jail for the safety of the prisoners?

(*f*) Is the Hon'ble Minister considering the desirability of transferring those prisoners in danger zones as Calcutta, Chittagong, etc., to safer places in other parts of the Province where their families live?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) (1) 176 and (2) 2,295 on the 15th February, 1943.

(*ii*) (1) Nil.

(2) There are slit trenches for about 100 ordinary prisoners

(*iii*) As stated in (2) above.

(*b*) More slit trenches could not be dug for want of space.

(*c*) Yes.

(*d*) This cannot be permitted as it may lead to panic, disturbance and attempts to escape.

(*e*) Construction of baffle walls is being vigorously pursued and First-Aid boxes and fire-fighting appliances have been supplied.

(*f*) The matter is under consideration. Owing to congestion in all jails in the Province such transfer will not be possible until additional accommodation is secured.

Mr. KIRON SANKAR ROY: Will the Hon'ble Minister be pleased to state if he is aware that the construction of baffle walls will make the cells more gloomy and stuffy and will prevent light and air from entering the cells?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is true that would be so, but the suggestion was made by some of the prisoners themselves.

Mr. I. A. CLARK: Will the Hon'ble Minister be pleased to give the House some idea as to when the completion of construction of these baffle walls is likely to happen?

The Hon'ble Mr. A. K. FAZLUL HUQ: We are trying to do our best, but want of materials is standing in our way. We are trying to expedite construction as early as possible.

Dr. NALINAKSHA SANYAL: With reference to answer "yes" to question (*c*) referring to the prisoners being kept locked up inside their rooms during air raid alerts and bombing, will the Hon'ble Minister be pleased to state if it is not possible without endangering security to permit them to come out in their open yards?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said on a previous occasion, this is a complaint which should be looked into and I will look into this question.

Maulvi ABU HOSAIN SARKAR: Will the Hon'ble Minister be pleased to state if any steps have been taken as yet to find additional accommodation elsewhere in any part of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: Accommodation in all available buildings is being considered, and all that I can say is that we are doing our best.

Dr. NALINAKSHA SANYAL: With reference to a similar question a few days ago, will the Hon'ble Minister be pleased to state what action, if any, has been taken on his assurance the other day that in Berhampore Special Jail additional accommodation will be sought?

The Hon'ble Mr. A. K. FAZLUL HUQ: I confess, I have it in mind, but I am sorry I have not been able to make a beginning. However, I will try to make a beginning as early as possible.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of releasing an adequate number of ordinary and security prisoners to accommodate the remaining security prisoners?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a good suggestion which might be cosidered.

Khan Bahadur MOHAMMED ALI: In view of the answer given in (*c*) that the prisoners are locked up inside their rooms during air raid alerts and bombing, will the Hon'ble Minister be pleased to state how it would be possible for the prisoners to take advantage of the slit trenches provided for them?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a point which is being considered.

Khan Bahadur MOHAMMED ALI: With reference to answer (*2*), viz., there are slit trenches for about 100 ordinary prisoners, and also in view of the answer in (*c*) that the prisoners are locked up inside their rooms during air raid alerts and bombing, will the Hon'ble Minister be pleased to state for whom these slit trenches have been made?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is what I say. The arrangement is not satisfactory, so we are considering the question.

Civil Service (Executive) appointments under the Home Department.

***115. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing, grade by grade, the number of Civil Service (Executive) appointments made in the Home Department from 1st April, 1937, to 31st March, 1942, from the—

(i) Muslims;

(*ii*) Scheduled Castes; and

(*iii*) other communities and religions?

(*b*) Will the Hon'ble Minister be pleased to state whether in the appointment of Scheduled Caste candidates Communal Ratio Rules have been maintained?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement is laid on the Table.

(*b*) Yes. In 1942 only one Scheduled Caste candidate qualified for appointment.

Statement referred to in clause (a) of starred question No. 115.

PART A—DIRECT RECRUITMENT.

After March—	B. C. S.				B. P. S.				B. J. C. S.			
	H.	M.	S.	MC.	H.	M.	S.	MC.	H.	M.	S.	MC
1937 ..	Nil				Nil				Nil			
1938 ..	6	6	1	0	1	1	0	0	12	10	2	1
1939 ..	5	4	0	0	1	2	0	0	26	26	2	1
1940 ..	2	4	1	0	1	2	0	0	15	17	2	2
1941 ..	1	2	0	0	1	2	0	0	5	13	2	1
1942 ..	1	1	1	0	1	0	0	0	9	9	0	0

PART B—PROMOTIONS.

After March—	B. C. S.				B. P. S.				B. J. C. S.			
	H.	M.	S.	MC.	H.	M.	S.	MC.	H.	M.	S.	MC.
1937 ..	Nil				1	0	0	0	3	1	0	0
1938 ..	Nil				1	1	0	0	17	14	0	0
1939 ..	Nil				1	0	0	0	8	1	0	0
1940 ..	6	6	1	1	2	0	0	0	1	2	0	0
1941 ..	Nil				3	0	0	1	3	2	0	0
1942 ..	2	1	0	0	2	0	0	0	3	2	0	0

PART C.

	Reserved for Scheduled Caste candidates.			Actually allotted.		
	B. C. S.	B. P. S.	B.J.C.S.	B. C. S.	B. P. S.	B. J. C.S.
1940 ..	1	0	2	1	0	2
1941 ..	0	0	2	0	0	2
1942 ..	1	0	2	1	0	0

Abbreviations :—

B. C. S. .. .. Bengal Civil Service.
B. P. S. .. .. .. Bengal Police Service.
B. J. C. S. .. .. Bengal Junior Civil Service.
H. .. .. .. Caste Hindu.
M. .. .. .. Muslim.
S. .. .. .. Scheduled Caste.
MC. .. .. .. Minority Communities.

Mr. RASIK LAL BISWAS: In reply (*b*) the Hon'ble the Chief Minister has stated that in 1942 only one Scheduled Caste candidate qualified for appointment, but we see in the statement that no Scheduled Caste candidate was appointed in that year in the Bengal Police Service or in the Bengal Junior Civil Service. Now, will the Hon'ble Minister be pleased to explain how in these appointments the Communal Ratio Rules have been maintained?

The Hon'ble Mr. A. K. FAZLUL HUQ: From the statement that I have made it is clear that communal ratio has not been maintained in the case of Scheduled Caste appointments. This is due to the fact that the appointing authorities report that suitable candidates are not available. Whether that is justified or not is a different matter, but it is true that the rules could not be complied with.

Mr. PUSPAJIT BARMA: Will the Hon'ble Minister be pleased to state what is the requisite qualification of a candidate for the Bengal Police and the Bengal Junior Civil Services?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are compendious rules—big volumes containing these rules—which I cannot reproduce from memory.

Babu MADHUSUDAN SARKAR: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the 15 per cent. ratio for the Scheduled Castes has been maintained or some other communal ratio rules have been invented by the appointing authorities for the appointment of Scheduled Castes?

The Hon'ble Mr. A. K. FAZLUL HUQ: The same rules apply.

Babu MADHUSUDAN SARKAR: If the 15 per cent. ratio rules are maintained in the matter of appointment of Scheduled Castes, will the Hon'ble Minister be pleased to explain how and where those rules were maintained in the matter of appointments in 1938, 1939, 1940 and 1941?

Mr. SPEAKER: He has already said that the rules could not be complied with on account of there not being suitable candidates. Therefore this question does not arise.

Mr. PUSPAJIT BARMA: Will the Hon'ble Minister be pleased to state whether there are any separate quotas for Caste Hindus and for the minority communities?

The Hon'ble Mr. A. K. FAZLUL HUQ: As the honourable member is aware, 50 per cent. is reserved for Muslims and of the remaining 50, 15 per cent. is reserved for Scheduled Castes. That is in the recruitment rules. The remaining 35 per cent includes Caste Hindus and other minority communities.

Mr. PRAMATHA RANJAN THAKUR: From the statement made in Part C by the Hon'ble Minister it appears that no reservation has been made for the Scheduled Castes; will the Hon'ble Minister be pleased to state why no reservation has been made in the Bengal Police Service for the Scheduled Castes? Are they physically unfit?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Communal Ratio Rules apply to all appointments made by Government and also, on application, to other appointments.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether he will take necessary steps for compliance with the Service Ratio Rules?

Mr. SPEAKER: That is a request for action.

Mr. RASIK LAL BISWAS: The Hon'ble Minister has said in his statement that only one qualified candidate was available. Will the Hon'ble Minister be pleased to state what do Government mean by "qualification"? Is it qualification advertised for or something else?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not the Government but the Public Service Commission, or the selecting authority who understand qualification as advertised when asking for applications.

Babu MADHUSUDAN SARKAR: With reference to 1942, will the Hon'ble Minister be pleased to state how many candidates from the Scheduled Castes appeared in the examination?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say offhand.

Mr. PRAMATHA RANJAN THAKUR: In Part C of the answer the Hon'ble Minister has been pleased to state that in 1942 under Bengal Civil Service only one candidate was appointed and under Bengal Judicial Civil Service, although two posts were reserved for Scheduled Caste candidates, no candidate from that community was appointed. Will the Hon'ble Minister be pleased to state whether any provision has been made to fill these two posts in future by Scheduled Caste candidates?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I wish to make a short statement to make the position clear for it will satisfy my honourable friends who are trying to obtain information on the point. In the case of recruitment through examinations certain rules have been laid down which try to see whether a candidate has qualified himself or not by passing such examinations. In the competitive examination for the Bengal Civil Service it is laid down that a certain minimum number for pass is required to qualify a candidate for appointment. If it so happens that no member of the Scheduled Castes passes or is able to secure the minimum number that is laid down, it can be held that no Scheduled Caste member has qualified himself to be appointed. May I point out also that when the communal ratio rules were first promulgated there was a clause in the case of Scheduled Castes that if suitable candidates belonging to that community be not available the quota will go to the other community. The Scheduled Castes community took exception to that reservation and Government have reviewed the position so that the Scheduled Castes are at a par with the other communities for appointment to the extent of 15 per cent. If it so happens that in the case of competitive examinations Scheduled Caste candidates now fail to secure the qualifying marks attempts are made to give the

community something like a compensation by giving them appointments in other spheres. I can assure you, Sir, that steps are being taken by the Special Officer for Communal Ratio Rules who has been given special instructions to look to the interests of the Scheduled Castes and minority communities. Whether the Scheduled Castes and the minority communities get the appointments to which they think they are entitled is a different matter altogether. I realise and I regret that the statement I have read out to the House is somewhat disappointing. The only remedy is for my friends to co-operate with us (Laughter from the Opposition benches.) and see that there is no breach of the rules, that the rules are strictly observed, that attempts are made to raise the level of efficiency of the candidates who come forward for competitive examinations and by a combination of all these efforts help the Scheduled Caste community to get their due share in the public service. The statement I have read out to the House will be helpful from that point of view.

Mr. SPEAKER: The next question.

(At this stage several members rose in their seats to put further supplementary questions.)

Mr. SPEAKER: Order, order. I have called on the next.

Externment order on the Secretary, Raniganj Muslim League.

*116. **Mr. ABUL HASHIM:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact that the Secretary of the Raniganj Muslim League is under orders of externment from the Asansol subdivision in Burdwan district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state specifically the charges against him?

(*c*) Will the Hon'ble Minister be pleased to state whether he is contemplating to withdraw the order?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons thereof; and

(*ii*) whether he is considering the desirability of granting an allowance for the maintenance of his family?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know who is the gentleman referred to; if the honourable member will furnish sufficient details I will make enquiries.

Maulvi ABUL HASHIM: In view of the Hon'ble Minister's answer, namely, "I do not know who is the gentleman referred to," will the Hon'ble Minister be pleased to state whether the name of the gentleman referred to in the question must necessarily be known to the Hon'ble Minister?

The Hon'ble Mr. A. K. FAZLUL HUQ: I must say that the name "Secretary of the Raniganj Muslim League" is not sufficient to ascertain who the person is. But if proper details are given I shall enquire into the matter again.

Maulvi ABUL HASHIM: In view of the fact that the name of the district, subdivision and the town is given, does the Hon'ble Minister consider it inadequate to identify the Secretary of the Raniganj Muslim League?

Mr. SPEAKER: That is a matter of opinion. I disallow the question.

Maulvi ABUL HASHIM: Is the Hon'ble Minister aware that there is a Muslim League in Bengal?

Mr. SPEAKER: Order, order. You all know that there is a Muslim League in Bengal: everybody knows that and therefore that question does not arise.

Maulvi ABUL HASHIM: Sir, in the question it is clearly given that the Secretary of the Muslim League——

Mr. SPEAKER: No argument is necessary.

Khan Bahadur MOHAMMED ALI: Can the question be put in this way, Sir? What other particulars does he want to ascertain who is the Secretary of the Raniganj Muslim League in the Asansol subdivision of Burdwan district?

Mr. SPEAKER: Well, Khan Bahadur Mohammed Ali, I have seen the question: it is said that the Secretary of the Raniganj Muslim League is under orders of externment from the Asansol subdivision of the Burdwan district. If the Hon'ble Minister thinks that it was too vague a question and that his officers could not ascertain the facts, I am helpless in the matter.

Khan Bahadur MOHAMMED ALI: What other particulars does he want?

Khwaja Sir NAZIMUDDIN: Sir, we do not want to compel the Hon'ble Minister to answer the question properly. But if the Hon'ble Minister says that it is impossible to find out who the Secretary of the Raniganj Muslim League is, it may similarly be said when addressing a letter to the Chief Minister of Bengal that it is impossible to ascertain as to who that person is.

The Hon'ble Mr. A. K. FAZLUL HUQ: If my friend presses me for a reply, I will make the position clear. On one occasion a certain gentleman styling himself as Secretary of a certain Committee sent a rather objectionable application. On enquiry it was found later on that the Secretary and the President had been changed within a fortnight so that the previous Secretary might not be caught under the law. In such a case it is impossible to say who was the Secretary and for what period.

Mr. SPEAKER: Order, order. I do not think this story was necessary. It would have been quite enough to explain that it was found difficult to ascertain the matter. That was enough.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether he made an attempt to ascertain who the gentleman was?

The Hon'ble Mr. A. K. FAZLUL HUQ: An enquiry was made, but no name could be ascertained. If the name is given I am prepared to make enquiries.

Maulvi AHMED ALI MRIDHA: Was the person placed under externment a Muslim gentleman?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know. I want notice.

Dearness allowances to the employees under Government.

*117. **Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware of the abnormal rise of the prices of all the commodities and foodstuffs?

(*b*) If so, is the Government contemplating further increase in the dearness allowances to the employees under them drawing salary up to the limit of Rs.300 per month?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the rate of such increase in the allowance?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) and (*c*) The honourable member will find details of the latest orders in the foreword to the "Red Book" for 1943-44. It is not possible to say what supplementary allowances may be necessary in the future but it is most unlikely that the upper pay limit of the higher allowance will be raised.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if it is a fact that had the Government tackled the food question satistactorily the question of paying dearness allowance to Government servants would not have arisen?

Mr. SPEAKER: That is a matter of opinion and does not arise.

Distress in the cyclone-affected areas of Midnapore.

*118. **Mr. HARENDRA NATH DOLUI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the recent cyclone and tidal bore have destroyed a greater portion of autumnal crops in the district of Midnapore; and

(*ii*) that acute economic distress is apprehended in that area?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Pramatha Nath Banerjee): (*a*) Yes.

(*b*) The following relief has been given up to 20th February, 1943:—

(*i*) Gratuitous relief—

(1) in cash Rs.13,71,950;

(2) in foodstuff, cloths, blankets, etc.—valued at Rs. 14½ lakhs.

Further sums will be sanctioned as required.

Several non-official organisations are also giving gratuitous relief in cash and kind.

(*ii*) Agricultural loans—Rs.56,00,000 is being distributed for the following purposes:—

(1) house building,
(2) maintenance,
(3) purchase of milch and draught cattle, and
(4) purely agricultural purposes.

(*iii*) Rehabilitation of small trades and business—Rs.2,00,000.

(*iv*) Test Relief—Rs.4,05,000.

Further sums will be sanctioned when necessary.

(*v*) Milk canteens have been started to distribute milk among infants, invalids and expectant mothers at the rate of over 2,000 lbs. of powdered milk per week.

(*vi*) The restriction on the manufacture of salt by local people for export has been relaxed and Government have made arrangements for purchase of salt from the local producers.

(*vii*) A scheme for assisting local weavers by repairing the old looms and supplying new looms and by making regular advances of the yarn required by them is under examination.

(*viii*) Steps are being taken to collect paddy seeds for supply to the cultivators.

(*ix*) The question of suspension and remission of land revenue and cesses in respect of all classes of estates affected, is under consideration. Meanwhile the Collector has been instructed not to adopt any coercive measure for the realisation of public dues.

(*x*) Government have decided to advance the salaries of dafadars and chaukidars of the worst affected areas for two quarters of the current Bengali year pending final decision on the question of total or partial remission of union rates in those areas.

Babu NAGENDRA NATH SEN: With reference to answer (*vi*), will the Hon'ble Minister be pleased to state at what rate Government have made arrangements for purchase of salt from local producers and at what rate Government are selling?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I want notice. So far as I remember, it is Rs. 2.

Dr. NALINAKSHA SANYAL: With reference to the whole answer, will the Hon'ble Minister be pleased to state if the policy of relief during day and raid during night has been abandoned or stopped?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: It is an excellent slogan, but it does not arise out of the question nor out of the answer.

Dr. NALINAKSHA SANYAL: It is not for the Hon'ble Minister concerned to say whether a question arises or not. There is the Speaker, and I do not want the Speaker's function to be taken up by the Minister.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: That is what I am submitting to the Hon'ble Speaker.

Mr. SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: We have a long catalogue of the relief given for which we are grateful. My question is whether the relief that has been mentioned is not being neutralised by relief during day and raid during night.

Mr. SPEAKER: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: I have asked on a question of fact.

Mr. SPEAKER: You have used the word "neutralised". That is a matter of opinion.

Dr. NALINAKSHA SANYAL: With reference to the relief measures in the cyclone-affected areas, will the Hon'ble Minister be pleased to state whether Government is still pursuing or allowing the policy of relief during day and raid during night to be pursued?

Mr. SPEAKER: Dr. Sanyal, your object is gained by putting that question. (Laughter.) The question so far as raid is concerned does not arise out of this question.

Dr. NALINAKSHA SANYAL: My submission is that if I get this reply, I could have followed it up by a catalogue of the raids during night even now pursued.

Mr. SPEAKER: Unfortunately you cannot get that.

Babu NAGENDRA NATH SEN: With reference to answer (*b*)(*i*)(*2*) —Several non-official organisations are also giving gratuitous relief in cash and kind—how many are they in number and up to what time it is expected that they will function?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: There are two questions, Sir. Let the question be split up.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how many non-official organisations are functioning in that area?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: About 21.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if Government have any information as to how long they will be permitted to function in those areas?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: As long as relief is necessary.

Srijut MANINDRA BHUSAN SINGHA: Will the Hon'ble Minister be pleased to tell us whether there is still unconscionable delay in distribution of gratuitous relief?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: So far as my information goes, the answer is in the negative.

Srijut MANINDRA BHUSAN SINGHA: Is it a fact that potatoes were sent there and when they were distributed they got rotten?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: It is not possible to give an answer to a vague and general allegation like this.

Srijut NARENDRA NATH DAS GUPTA: Are the Government aware that weavers of the cyclone-affected areas made repeated petitions for help from the Government by way of supply of yarns and repair of old looms?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I did not receive any such petition, but, as I stated in answer in paragraph (*vii*), a scheme for assisting local weavers is under examination. I may state that a certain sum of money has also been allotted for the purpose.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister in charge please look into the file to ascertain whether petitions have been received or not, as letters were addressed to the Minister by registered post and copies were supplied to me?

Mr. SPEAKER: That is a request for action.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please let the House know whether the salaries of Hindu coastal guards have been suspended for many months?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have no information. This does not relate to this department.

Babu NAGENDRA NATH SEN: With reference to answer (*v*), will the Hon'ble Minister be pleased to state how many milk canteens have been started and in what area and whether the distribution is free or not?

Mr. SPEAKER: There are three questions.

Babu NAGENDRA NATH SEN: No, Sir, one question—how many, in what area and whether the distribution is free or not.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The distribution is free, but the question as to how many and in what area I will not be able to answer tonight.

Mr. JOGESH CHANDRA GUPTA: With reference to answer (*vii*), will the Hon'ble Minister please let us know how much money is contemplated to be given for repairing of looms and how much for advance of yarns?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The information is not available to me just now because it relates to the Department of Agriculture and Industries, but speaking from memory I think one lakh of rupees has been allotted for the purpose; it may be more.

Dr. GOBINDA CHANDRA BHAWMIK: Will the Hon'ble Minister be pleased to state whether food-grain shops will be opened at the earliest possible time for distribution of rice and paddy in the flood-affected areas where people are going without food?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The question was with reference to relief and my honourable friend is now putting a question about the general position.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to let us know if Government are ready to open shops to sell paddy and rice in the affected areas at controlled rates?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: That is a question which does not relate to starred question No. 118 as put to me.

Mr. SPEAKER: It is a sort of relief. That is why the question was asked.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: If it is a question of relief, then the question of opening shops for supply of foodstuffs at controlled rates does not arise, but I can only visualise that the people in the affected areas require special consideration. I shall certainly consider the desirability of dealing with this suggestion of my honourable friend.

(Babu Ashutosh Lahiri rose to put a supplementary question.)

Mr. SPEAKER: Mr. Lahiri, I have given indulgence in this matter, but you should also remember that one hour's time is allowed for questions. We intended to deal with the held over questions to be answered by the Hon'ble Nawab Bahadur, but we have not yet reached them. There are also some short-notice questions relating to Mr. Sarat Chandra Bose. That is why I was anxious to dispose of as many questions as possible, but this is also a very important matter. So you can put a question if you like, but after that I shall try to rush through the questions, if possible.

Babu ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to state if any milch and draught cows have been purchased up till now with Government money, and if so, how many?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I cannot give the figure tonight, but I shall supply the figure to my honourable friend later.

Test relief work in the Naogaon subdivision of Rajshahi district.

***119. Maulvi MANIRUDDIN AKHAND:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of distress prevailing in the Naogaon subdivision of the Rajshahi district for failure of paddy crops both *aus* and *aman*?

(*b*) Is it a fact—

(*i*) that the Subdivisional Officer, Naogaon, has reported the matter to Government; and

(*ii*) that the District Officer has recommended for opening test relief works?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, is the Hon'ble Minister considering the desirability of starting test relief work immediately?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: (*a*) and (*b*) Yes.

(*c*) Yes. The amount asked for by the local officers for starting test works has already been sanctioned.

Khan Sahib Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister be pleased to state what amount of money has been sanctioned for test relief work?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: For the present Rs. 5,000.

Release of Mr. Sarat Chandra Bose on parole.

***119A** (SHORT NOTICE). **Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact—

(*i*) that the father-in-law of Mr. Sarat Chandra Bose, M.L.A., is no more; and

(*ii*) that Mr. Bose wired to the Home Member of the Government of India to be released on parole to attend the *Sradh* ceremony to be held on the 5th March, 1943?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of requesting the Government of India to release Mr. Bose on parole so that he can attend the ceremony?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have no information, but have been told so.

(*b*) Does not arise, but Government cannot intervene.

UNSTARRED QUESTION

(answer to which was laid on the table)

Enquiry into the Kishoreganj firing.

35. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Chief Secretary directed the Commissioner, Dacca Division, to proceed to Kishoreganj at once and to enquire into the firing incident there?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) when the Commissioner, Dacca Division, arrived at Kishoreganj; and

(*ii*) whether any enquiry was made into the firing?

(*c*) If the answer to (*b*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Commissioner was asked to visit Kishoreganj which he did on the 27th October. An enquiry under P.R.B. rule 778 (II) was held by the District Magistrate.

Khan Sahib HAMIDUDDIN AHMAD: With reference to the answer that an enquiry under P.R.B. rule 778(11) was held by the District Magistrate, is the Hon'ble Minister aware that the District Magistrate himself was responsible for issuing a licence contrary to the advice of the Subdivisional Officer and also against the fact that the Subdivisional Officer refused to give permission for the licence?

The Hon'ble Mr. A. K. FAZLUL HUQ: Several questions have been joined together. The answer is that the Subdivisional Officer refused to grant licence. The previous decision was that licence would be granted. The matter was referred to the District Magistrate and he gave certain directions.

Khan Sahib HAMIDUDDIN AHMAD: Is the Hon'ble Minister aware that in spite of the convention that the licensee could not get a licence to pass with music before mosque and the Subdivisional Officer wired to the District Magistrate, the District Magistrate granted a licence?

(At this stage Mr. Speaker announced that the question time was over and no answer was given to the above question.)

Food situation.

Dr. NALINAKSHA SANYAL: May I humbly submit, Sir, that I sought to raise an important issue today through an adjournment motion on the situation created in Calcutta owing to the high rise in the prices of foodstuffs, particularly rice? I am not raising any objection to your having refused consent. But I submit, Sir, that this matter is very important. May we have from the Hon'ble Chief Minister any statement on the position or any indication as to when at the earliest possible time we may have an opportunity of discussing this important question of food prices, particularly of rice in Calcutta, which have soared up to Rs. 22-8 today for fine rice.

Mr. K. SHAHABUDDIN: In this connection, may I point out that this is the fourth or fifth day that Government have put off——

Mr. SPEAKER: Order, order. No question of putting off arises.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, all parties are agreed that the position should be discussed as early as possible, and I am given to understand that on the 10th in the afternoon—the election is in the morning—from 4 o'clock onwards the Assembly may discuss the food question. If there is no objection, we may agree to take up the question in the afternoon of the 10th at 4 p.m.

Dr. NALINAKSHA SANYAL: What about tomorrow?

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards tomorrow, there is a strong feeling on this side of the House against it.

Mr. K. SHAHABUDDIN: Sir, as far as we are concerned, we want to record a very strong protest against this proposal. This is the fourth time when the Government have failed to keep their promise and changed the date of this debate from one day to another. In this connection, Sir, I also want to point out to you that this debate is very important as a very serious situation has arisen in the country and a very large number of people are affected. Our definite information based on very reliable report even of high Government officers is that a very large number of people are starving; they are not getting two meals even every alternate day and the prices have gone up very much. We want, Sir, that this discussion should be brought to a close and the House should know what steps Government propose to take in the matter. Unfortunately, Sir, on this pretext or on the other this debate is being postponed and we are helpless. We want to record our strong protest.

In this connection, I would like to point out another thing. Direct election will come up on the 18th, and a very large number of members of the House and voters in the different districts would like to take part in it. If the House sits on that date, they will be prevented from exercising a very valuable right.

Dr. NALINAKSHA SANYAL: Sir, so far as the latter part is concerned, I submit that the budget discussion and voting on demands will commence from the 11th onwards when the cut motions will be taken up under the Governor's rules. It will be extremely difficult for us at least to accept the suggestion of the Whip of the Muslim League Party and have any day out of the budget debates a holiday or any day given over just because certain members do not find it convenient. We also want to associate ourselves with the protest lodged by Mr. Shahabuddin regarding the postponement of the food debate tomorrow.

Mr. SPEAKER: I have practically allowed speeches on the question about fixation of a date. The other day also a long time was taken over this question. I fully realise the anxiety on the part of the Opposition to get the food question discussed and a decision arrived at as early as possible. As far as I could ascertain, the Hon'ble Chief Minister also was willing and, in fact, he made a statement before the House that it might be discussed on the 9th. You all know that. The members of the Ministerial Party are also willing to see that this matter is discussed early. The difference, as it now appears, is only a question not even of 24 hours but perhaps even less than that. So, if you can come to an agreement on this point, you may have it fixed, as suggested by the Hon'ble Chief Minister, at 4 p.m. on the 10th, because it is not possible to have it earlier than that, 10th having been fixed for indirect election to the Upper House. Now, as to the 9th, there is strong opposition from the Ministerial Party. The reason, of course, is best known to them, but as far as I can see, so far as arrangement of business is concerned, it is in the hands of the Governor

and that means, as you all know, of Government. If the Hon'ble Chief Minister says that he wants that this should be fixed at 4 p.m. on the 10th, I am absolutely helpless in this affair. Therefore, I would suggest that the suggestion of the Hon'ble Chief Minister may be accepted by you all and by an agreement 4 p.m. on the 10th may be fixed for this discussion.

Dr. NALINAKSHA SANYAL: Sir, 4 p.m. is not possible because election goes on till 4 p.m.

Mr. SPEAKER: I am sorry, it cannot be 4 p.m. It should be 4-30 p.m. I would ask Sir Nazimuddin to consider this aspect of the matter. If he agrees to this timing, I hope the Hon'ble Chief Minister will give an assurance to the effect that he will not shift this date any more.

Dr. NALINAKSHA SANYAL: Sir, if we begin at 4-30, how long will we sit? Shall we get full, solid three hours for discussion and conclude the debate?

Mr. SPEAKER: I understand Government will have no objection to having three hours for discussion. You may have three hours if you so like. So, I would ask the Leader of the Opposition to consider this aspect of the matter and tell me whether he agrees to this arrangement.

Mr. K. SHAHABUDDIN: Sir, as you have just pointed out, fixation of business of the House is entirely in the hands of Government. As regards 9th, we have recorded our protest and we have nothing further to say as regards 4-30 p.m. on the 10th.

Mr. SYED HASAN ALI CHOWDHURY: Sir, does he assign more importance to the protest than to the discussion?

Mr. PUSPAJIT BARMA: It is not a question of protest. So far as I know, it is the privilege of the Leader of the House to fix or arrange dates for business of the House.

Dr. NALINAKSHA SANYAL: Not as Leader of the House.

Mr. SPEAKER: I am in an unfortunate position. You all know I have been in office only for a short period. There have been previous discussions on this motion and, as you all perhaps know, I have often taken French leave from this House. I was not present during discussion on those days, and I do not actually know what happened during those days. It is only when the discussion was taken up on the last occasion that I wanted to ascertain the facts. However, as the matter now stands, it is entirely for Government to fix the date, and I understand Government and their party also are extremely anxious to have this debated upon and a decision arrived at as quickly as possible. Therefore, I think, Government has fixed the time at 4-30 p.m. on the 10th. That finishes that matter.

Application for leave of absence.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that this Assembly do permit Al-Hadj Maulvi Masud Ali Khan Panni, representing

Tangail South Constituency, to be absent for the period from the 1st April, 1942, till the end of the present session for which he finds he is unable to attend meetings of the Assembly.

The motion was put and agreed to.

GOVERNMENT BILL.

The Bengal Finance Bill, 1943.

Mr. SPEAKER: I think the discussion on the circulation motion was finished the other day.

Maulvi MUHAMMAD ISRAIL: Sir, the Hon'ble Chief Minister did not reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: To minimise time, Sir, I may tell the House that so far as the motion for circulation is concerned, I have to oppose it, but considering all facts and circumstances, specially the fact that there is in the House some very strong opinion regarding certain clauses of the Bill, I am prepared to accept the suggestion of a Select Committee. I oppose the motion for circulation.

The motion of Maulvi Muhammad Israil that the Bengal Finance Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 15th March, 1943, was then put and lost.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Mr. SPEAKER: Mr. Yousuf Mirza.

Mr. YOUSUF MIRZA: I beg to move by way of amendment that the Bengal Finance Bill, 1943, be referred to a Select Committee consisting of——

Maulvi MUHAMMAD ISRAIL: Sir, I have got a similar motion of my own which should have precedence over the present motion.

Mr. SPEAKER: I understand that by agreement a motion is to be moved by the Whip of the Ministerial Party for reference to Select Committee, fixing the 16th March, 1943, for submission of report. That is why I called upon Mr. Yousuf Mirza, the Whip of the Ministerial Party, to move his motion.

Mr. YOUSUF MIRZA: I beg to move by way of amendment that the Bengal Finance Bill, 1943, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of the Finance Department,
(2) Mr. H. S. Suhrawardy,
(3) Maulvi Muhammad Israil,
(4) Mr. Abdul Karim,

(5) Mr. Abdulla-Al Mahmood,
(6) Mr. D. N. Sen,
(7) Dr. Syamaprasad Mookerjee,
(8) Babu Syama Prosad Barman,
(9) Mr. Amrita Lal Mandal,
(10) Mr. Surendra Nath Biswas,
(11) Rai Harendra Nath Chaudhuri,
(12) Mr. Shamsuddin Ahmed Khondkar,
(13) Mr. Syed Hasan Ali Chowdhury,
(14) Mr. D. Gladding, C.I.E.,
(15) Maulvi Muhammad Ishaque,
(16) Dr. Nalinaksha Sanyal, and
(17) Mr. I. D. Jalan,

with instructions to submit their report by the 16th March, 1943, and that the number of members forming the quorum be fixed at seven.

Mr. SHAMSUDDIN AHMED KHONDKAR: As my Scheduled Caste friends want to have one more member from their party so I beg to move that in place of Mr. Shamsuddin Ahmed Khondkar the name of Mr. Banku Behari Mandal be substituted.

The motion was put and agreed to.

The motion of Mr. Yousuf Mirza as amended, viz., that the Bengal Finance Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister-in-charge of the Finance Department,
(2) Mr. H. S. Suhrawardy,
(3) Maulvi Md. Israil,
(4) Mr. Abdul Karim,
(5) Mr. Abdulla-Al Mahmood,
(6) Mr. D. N. Sen,
(7) Dr. Syamaprasad Mookerjee,
(8) Babu Syama Prasad Barman,
(9) Mr. Amrita Lal Mandal,
(10) Mr. Surendra Nath Biswas,
(11) Rai Harendra Nath Chaudhuri,
(12) Mr. Banku Behari Mondal,
(13) Mr. Syed Hasan Ali Chowdhury,
(14) Mr. D. Gladding, C.I.E.,
(15) Maulvi Muhammad Ishaque,
(16) Dr. Nalinaksha Sanyal, and
(17) Mr. I. D. Jalan,

with instructions to submit their report by the 16th March, 1943, and that the number of members forming the quorum be fixed at seven, was then put and agreed to.

Adjournment.

The House was then adjourned at 5-30 p.m. till 4-30 p.m. on Wednesday, the 10th March, 1943, at the Assembly House, Calcutta.

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(Official Report.)

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